

AN INVESTIGATION
of the
SPANISH QUESTION
before the
United Nations

Dale R. Tash
B.A., Western Montana College, 1950

Presented in partial fulfillment of the
requirement for the degree of Master
of Arts.

Montana State University
1951

Approved:

R. T. Turner
Chairman of Board
of Examiners

W. T. Clark
Dean, Graduate School

UMI Number: EP35521

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI EP35521

Published by ProQuest LLC (2012). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

Table of Contents

Chapter I.	The Origin of the Spanish Question.....	1
Chapter II.	Introduction of the Spanish Question to the United Nations.....	18
Chapter III.	The Stalemate in the Security Council over the Spanish Question.....	38
Chapter IV.	A Change of Scene.....	56
Chapter V.	The Failure of the General Assembly Resolution.....	72
Chapter VI.	Franco Gets a Pardon.....	90
Chapter VII.	Summation and Conclusion.....	107
	Bibliography.....	121
	Appendix.....	130

The Origin of the Spanish Question

The so-called "Spanish Question" arose because of the character of the regime now in power in Spain. Some members of the United Nations have declared that the origin, habits, institutions and general conduct of the regime headed by General Franco are incompatible with the principles of the Charter, and a result of this alleged incompatibility, Spain has been refused admittance to the United Nations. One group of member states was convinced that the existence and activities of the Franco regime created international friction. However, the United States expressed its opinion that the question was not so important as it seemed. With this idea in mind, Secretary Acheson recently circulated a policy letter in which he held that owing to organized propaganda and pressure, "the Spanish question has been magnified by controversy to a position among our present day foreign policy problems which is disproportionate to its intrinsic importance."¹ Nevertheless, evidence seems to show that the matter is of great international concern.

Spain has been the cause of international tension since the revolutionary birth of the Franco regime in 1936. The revolution, called by Franco a "counter revo-

¹ Department of State Press Release, January 19, 1950. (text of a letter from Secretary Acheson to Senator Tom Connally, January 19, 1950.)

lution," began on July 14, 1936, when a small group of the army seized the government radio station in the city of Valencia.² It took three years for Franco to consolidate his position, but by the spring of 1939 it was generally accepted that Franco was master of Spain, and some states, including the United States and Great Britain, accorded him official recognition.

By 1939, too, the League of Nations was drawing its last breath, and if the United Nations can be called the child of the League, then the "Spanish Question" is part of its inheritance. The Spanish problem was first brought to the attention of the League in July, 1936. At this time the League of Nations was in an unfortunate condition. The ineffectual handling of the "China Incident" and the Ethiopian affair had severely damaged the League's reputation. Now it was faced with perhaps an even more difficult situation. How could the League protect Republican Spain, probably its firmest supporter, and at the same time confine the conflict to Spain?³

² Norman J. Padelford, International Law and Diplomacy in the Spanish Civil War, 1.

³ In Article 6 of the Spanish Republican Constitution, the Republic endorsed the Paris Peace pact; Article II prohibited the President from declaring war except under conditions laid down by the League Covenant. Annals of the American Academy of Political Science, July, 1938, 66.

The League, as the United Nations later, had trouble determining on what grounds it could claim jurisdiction. The Covenant of the League did not mention civil war, and it recommended that its member states and the League organizations refrain from interfering in the domestic problems of individual states. However, Articles 3 and 4 of the Covenant permitted the League to deal with any "matter affecting the peace of the world," and Articles 10, 11, 12 and 15 gave it jurisdiction over any matter threatening international peace and over any dispute likely to lead to war.⁴ In the circumstances, the League of Nations apparently had the right officially to intervene in the Spanish Civil War.

Six times during the course of the Civil War, the Spanish Republican government brought the Spanish problem to the attention of the League of Nations. The Republican argument never changed: the war in Spain had become an international war, Franco's rebellion was supported from the outside, and the Non-Intervention Accord of August, 1936 amounted to active intervention on the part of the members of the Accord against the Republican government. To support these charges, the Spanish delegation produced documents and photographs proving German and Italian intervention in Spain, including the famous

⁴ Padelford, op. cit., 121.

"White Book."⁵

The Republican government urged the League to apply sanctions against Italy and Germany to compel these two powers to withdraw their forces from Spain, but the League merely endorsed the Non-Intervention Accord and the peace efforts of Great Britain and France.⁶ Republican Spain was able to secure only two votes for its proposal, those of itself and the Soviet Union.

The League of Nations side-tracked action proposed by the Spanish Republican government, usually at the insistence of Great Britain and France who wanted to move carefully "in view of the international situation."⁷ Towards the end of the Civil War, on October 1, 1938, the League did adopt resolutions offering the technical services of the League to relieve the sufferings of the civilian population on both sides in Spain and setting up a commission

⁵ This White Book made Mussolini very angry, not because it established the proof of Italian intervention which he admitted, but because it revealed the poor morale and the cowardice of Italian soldiers. It proved many cases of bandaged soldiers with no wounds, self-inflicted wounds, and wounded soldiers being over-escorted from the battlefield. Shortly after the publication of the White Book new army regulations were adopted by the Italian High Command in Spain to punish Italian soldiers guilty of these crimes.

⁶ Padelford, op. cit., 125.

⁷ Ibid., 125.

to supervise the "withdrawal plan."⁸

Altogether the League of Nations failed to protect Republican Spain, but in justice to the League it should be remembered that it was never asked to intervene directly in the war but merely to curtail foreign aid to the rebels. In the League, as later in the United Nations, the Soviet Union and the western Allies were divided over the Spanish question. The Soviet Union wanted to adopt whatever measures were necessary to protect Republican Spain, while the Allies favored a more cautious course. (This was the period in which Great Britain and France were trying to court favor with Italy, as a possible defense against Germany.)

⁸ Premier Negrin of Republican Spain had announced the decision of the Loyalist government to effect the withdrawal of all foreign volunteers from its armed forces and had asked the League to supervise the withdrawal. On October 1, 1938, the Council adopted a resolution authorizing the creation of an international commission to note the measures of withdrawal adopted by the Spanish government and the effectiveness of these measures. In its resolution the Council stated that the League "does not assume any responsibility either for the method of withdrawal or for the destination given to the persons withdrawn." The Council, rather than appoint the members of the Commission directly, authorized the representatives of Great Britain, France, and Iran to select the Commission and be responsible for its dispatch to Spain. The membership was composed of General Jalander of Finland, Lieutenant Colonel Homo of France, and Colonel Molesworth of Great Britain. The Commission assembled on the Spanish border on October 14, 1938, and proceeded to Barcelona where it began to oversee the withdrawal of foreign troops via Perpignan. Padelford, op. cit., 140.

With the fall of Madrid, the League completely discarded the Spanish question, and in May, Franco withdrew Spain from the League of Nations.

May, 1939 was the last time the Spanish question received the attention of the League. In September, 1939, came the invasion of Poland and the beginning of World War II, a war that led to the creation of that "Grand Alliance" which was one day to create the United Nations. In a series of declarations, the members of this anti-fascist coalition indicated their intention of forming a new world organization at the end of hostilities. But these declarations (the Atlantic Charter, the Dumbarton Oaks Proposals, and the Tehran Declaration) made no mention of the Franco regime, the same regime this coalition effectively barred from the United Nations three years later. The obvious reason for this omission was that during the first years of World War II the Allies considered it to be a matter of military expediency to keep Spain neutral, and an open condemnation of the Franco regime would have defeated this purpose.

As World War II drew to a close and victory for the Allies seemed more certain, Allied policy towards Franco became more outspoken. At the United Nations Organizational Conference in San Francisco, during the discussion

of the membership provisions of the Charter by the General Provisions Committee, the Spanish question reappeared.

On June 18, 1945, Rollin of Belgium, the president of the General Provisions Committee, called for discussion on Paragraph 6, Article 2, of the Charter which stated that:

Membership of the Organization is open to all peace-loving states which accept the obligations contained in the Charter and which, in the judgement of the Organization, are able and ready to carry them out.⁹

Luis Quintilla, the Mexican delegate, reminded the committee of the views already expressed by the Mexican government on the Spanish question.¹⁰ Quintilla made it clear that Mexico would accept this article only with the understanding that it would exclude the defeated Axis governments and the governments imposed on other nations by the armed forces of the Axis. He specifically mentioned Man-

⁹ Documents of the United Nations Conference on International Organization, VI, 17.

¹⁰ At the Conference of Chapultepec in February, 1945, Mexico had tried to persuade the Latin-American states to present a united front against the Franco regime at the San Francisco Conference, but the Latin-American states failed to agree upon the subject. The Spanish Embassy claimed in 1947 that the failure of the Mexican Government at the Conference of Chapultepec was a victory for Franco. The Spanish Embassy claimed that "the American nations were faithful to the doctrine of non-intervention and to its founders. No amount of red booty stolen from Spain could change the attitude of Pan-American delegates. America remained loyal to Monroe, Polk, Juarez and Marti." "How Russia uses the United Nations Against Spain", Wheels Within Wheels, Spanish Embassy, 1947.

churia, Japanese-controlled China, and Spain. The Mexican delegate explained his position by declaring that:

There was a time while the costly fight was going on, when some of the powers directly concerned with the military conduct of the war placed-- or should I say, had to place-- practical reasons of security above logical commitments, but fortunately through the untold sacrifices of the great nations comprising this Conference, the war in Europe is won. Mussolini is no more, and Hitler himself has disappeared. We can at long last speak uncompromisingly.¹¹

In other words, an open condemnation of Franco Spain would not now endanger the course of military operations. Quintilla supported his accusations by reading telegrams of congratulation from Franco to Hitler and finished his denunciation with a ringing plea that Franco's voice never be heard in United Nations Conference halls.

The Mexican resolution, though it named no specific nations and stated that membership in the United Nations was not open to those states whose regimes had been established with the help of Axis military forces, was nevertheless partly aimed at Franco Spain.¹² Eight

¹¹ Documents of the United Nations Conference on International Organization, VI, 19.

¹² This resolution declared: "It is the understanding of the Delegation of Mexico that paragraph 2 of the Chapter III cannot be applied to the states whose regimes have been established with the help of military forces belonging to the countries which have waged war against the United Nations, as long as those regimes are in power." (Ibid., 20)

nations spoke in favor of the Mexican resolution.¹³ Their support ranged in intensity from that of the Belgian delegation, which merely voiced its approval, to that of the Soviet Union, which claimed that Franco had actively aided the other Axis powers in the slaughter "of millions of innocent, peaceful inhabitants."¹⁴ The resolution was adopted by a unanimous vote and was inserted in the Commission's report. Adopted by the San Francisco Conference on International Organization, the Mexican resolution was the first international action taken on the Spanish question since 1939.

In June, 1945, international attention was diverted from the San Francisco Conference to the coming Berlin Conference (Potsdam) of the "Big Three." Pro-Republican and anti-Franco forces saw a chance to further their cause against the Franco regime. They organized pressure groups and propaganda, and in July "The Friends of the Spanish Republic," a combination of liberals, Communists, and pro-Republican forces in the United States, sent Mr.

¹³ Ibid., 26. (These nations were France, Australia, Belgium, the Ukrainian Soviet Socialist Republic, the Byelorussian Soviet Socialist Republic, the United States, Uruguay, Chile, and Sweden.)

¹⁴ Ibid., 27.

Truman a wire urging that the Berlin Conference be used as an occasion for joint action on Spain by the "Big Three."¹⁵

The Conferences, held at the Cecilienhof Palace near Potsdam between July 17 and August 2, 1945, were attended by the heads of the governments of Great Britain, the United States, and the Soviet Union. Georges Bidault of France and Wang Shih-Chieh of China were invited to sit in on the meetings. The main aim was the reaching of an agreement on the outstanding political and economic problems left in the wake of the European war. In due time, the Spanish question was brought up by Stalin, and the three governments agreed upon the following declaration:

The three Governments, so far as they are concerned, will support applications for membership from those states which have remained neutral during the War, and which fulfill the qualifications set out above.

The three Governments feel bound, however, to make it plain that they for their part, would not favor any application for membership put forward by the present Spanish Government, which, having been founded with the help of the Axis Powers, does not, in view of its origins, its nature, its record and its close association with the aggressor states, possess the qualifications necessary to justify such membership.¹⁶

¹⁵ "The Shape of Things," The Nation, July 14, 1946, 161.

¹⁶ "Spain," The American Year Book, 1946, 113.

This declaration was the first official action taken by the now victorious Allies specifically to condemn the Spanish regime, and anti-Franco forces assumed that if this action were followed by a break in diplomatic relations with Spain that Franco would be thrown out by the Spanish people. The western Allies, however, hesitated at that time to take more severe action, probably fearful of another Spanish civil war.

Both the San Francisco Conference and the Potsdam Conference led to great activity in the Pardo Palace where Franco called a meeting of his top advisers to discuss these "outrages." Apparently it was there decided that the solution to Franco's problem would be to camouflage the real character of the regime by convincing the world that Spain was undergoing a democratic reformation. Indeed, Spanish propaganda had already been dedicated to this end since V-E day.¹⁷ Later, in 1948, the Spanish Embassy directly attacked the San Francisco Resolution and claimed that:

Many of the delegations arriving for the Conference came from war-torn countries; these were passing through difficult internal trials which distorted what might have been a dispassionate outlook. The San Francisco Conference was marked by partiality, by deep dislikes and war-born hatreds, by resentment and vengeance which at times was painfully obvious to the outsider.¹⁸

¹⁷ Ibid., 114.

¹⁸ "How Russia uses the United Nations against Spain," Wheels Within Wheels, 5.

Spain has since asserted that at San Francisco international law was replaced by "a misuse of power" at the insistence of the Soviet Union and its satellites and that the Charter is now nothing but a gigantic treaty of alliance against the non-member states.

The Franco government gave a similar defense to the accusations of the Potsdam Declaration. The Spanish claimed that Attlee was influenced "by the electoral propaganda still rife in England" and that the Spanish problem was brought to the council table by "Big Chief Stalin." Even so, the Potsdam Declaration worried the Franco government enough to cause it to issue the following answer to the Berlin charges:

Considering the unwarranted reference to Spain in the communique of the big three conference in Berlin, the Spanish State denies, as being both arbitrary and unjust, these references and considers them as having been caused by the propaganda campaign of the Red exiles and their foreign collaborators.¹⁹

Even though the Potsdam Conference had dealt Franco a severe blow, the condemnation by the Big Three was not enough to bring about his overthrow.

The action against Franco in Berlin was followed by the Conference of Paris, called by Great Britain in August, 1945, to consider the "Tangier Problem." Before World War II, the area of Tangier had been governed by an International Commission made up of Spain, Great Britain and France. In

¹⁹ Ibid., 8

June of 1940, however, Spanish troops had occupied the zone, and before the year was out Spanish laws were in force throughout the area. Great Britain and France, though forced to recognize the Spanish occupation as de facto for the duration of the war, had refused to recognize it as de jure, and the United States gave it no recognition whatsoever.²⁰ At the end of the war, the time had come to settle accounts with Franco on this issue. Apparently Great Britain had hoped that the Soviet Union would remain a mere spectator, but when invitations to the Conference of Paris were sent, the Soviet Union insisted upon a seat at the Conference table. Spain was to have been invited but upon Russian demand was excluded.²¹

The Conference, held in Paris from August 10 to August 31, 1945, was attended by the representatives from the Soviet Union, France, Great Britain and the United States. On September 4, the United States Department of State announced that three resolutions had been adopted: first, that Spain was to evacuate Tangier at once; second, that the sovereign rights of the Sultan of Morocco in the area around the city were to be restored; and third, that for a period of six months there would be a provisional Inter-

²⁰ "International Affairs," Newweek, July 16, 1945, 44.

²¹ "Squeeze on Franco," Time, September 3, 1945, 26.

national Commission set up using the pre-war commission as a model, and composed of the same members as the pre-war commission; and at the end of this six month period a new conference would meet which would include Spain among its members. The Soviet Union, and perhaps the other members of the Conference of Paris, thought that within six months they would be dealing with Franco's successor, hence the inclusion of Spain in the invitations.²²

The six month period passed, and Franco was still very much at the head of the Spanish government, and no new conference was called. There was, however, another moral condemnation of the Franco regime by the western Allies. The United States, France, and Great Britain issued a joint declaration on March 4, 1946, which clarified their policy towards Franco Spain.²³ The declaration stressed two points: first, that the governments of the three countries agreed that as long as General Franco continued in control in Spain, the Spanish people "could not anticipate full and cordial relations with the contracting parties;" and second, that the governments of the three countries had not intended to interfere in the internal affairs of Spain. The three governments declared that the Spanish people must work

²² Ibid., 25.

²³ Department of State Press Release, No. 151, March 4, 1946, 1.

out their own destiny and that they were opposed to any measure which might provoke another revolution in Spain.

They expressed their hope that:

In spite of the present regime's repressive measures against orderly efforts of the Spanish people to organize and give free expression to their political aspirations, the three Governments are hopeful that the Spanish people will not again be subjected to the horrors and bitterness of civil strife.²⁴

The declaration also expressed the hope that the Franco regime would collapse peacefully.

The French then closed their frontier to all Spanish traffic, and Franco countered by sending his Moorish troops to the Pyrenees. The French government was forced to this decision by the pressure of public opinion. French labor unions refused to work on any trains which crossed the Spanish border and held anti-Franco demonstrations over Franco's execution of some well-known Republican leaders. The Spanish government warned the French government that a break in diplomatic relations would cut off the flow of vitally needed Spanish supplies to France. The French government was careful to assure the Spanish that the closing of the border was not meant to be an unfriendly act and that the French government had been forced to close the frontier by domestic pressure.

²⁴ Ibid., 1.

²⁵ "The International Scene," Newsweek, March 11, 1946, 42.

These three condemnations (the San Francisco Resolution, the Potsdam Declaration, and the Three Power Joint Declaration by Great Britain, the United States, and France) were the only multi-lateral measures taken against the Franco regime before the question was brought before the newly organized United Nations. But these three declarations served as a guide to regulate the relations of the United Nations with Spain.

At the time the Spanish problem was introduced before the United Nations, only twenty-two nations maintained diplomatic relations with Spain.²⁶ These states, which included the western Allies, favored a more cautious policy toward Franco Spain than did the states that had broken off diplomatic relations with Spain. The policy of the western Allies was at all times modified by the fear of another civil war in Spain, a fear probably prompted by concern over the

²⁶ Argentina	The Netherlands
Belgium	Norway
Brazil	Peru
Chile	France
Colombia	Sweden
Cuba	Switzerland
Denmark	Turkey
Dominican Republic	Union of South Africa
Eire	United States
El Salvador	Uruguay
Greece	United Kingdom

(Report of the Special Sub-Committee on the Spanish Question, United Nations Official Records of the Security Council, 35.)

possible fate of their economic interests as well as by a desire to spare the Spanish people the horrors of another civil war.²⁷ The Soviet Union seemed to have been more interested in upsetting the Franco regime than in sparing the feelings of the Spanish people.

These three pre-United Nations declarations, the Potsdam Declaration, the San Francisco Resolution, and the Three Power Joint Declaration, showed, at least, that the western Allies and the Soviet Union were in accord about one matter: that Franco Spain should not become a member of the United Nations.

²⁷ The American textile interests in Barcelona, and the English mining interests (Rio Tinto) would be definitely disrupted by another civil war. The gains of the American controlled telephone company in Spain, acquired through the wartime pinch of the oil flow, would be threatened by a civil war. A complete leftist victory might well bring the nationalization of all foreign industries as in the Soviet Union, or partial nationalization as in Mexico and Iran. Another civil war would probably lead to intervention by both sides and might well be the start of World War III.

Chapter II. Introduction of the Spanish Question to the United Nations

These earlier statements of policy (the Potsdam Declaration, the San Francisco Resolution, and the Three Power Joint Declaration of Great Britain, the United States, and France) had proved that the Allies neither favored the Franco regime nor (in 1946) its admittance to the United Nations. The memory of the part played by Spain in World War II seemed likely to prevent it from joining the community of nations. Moreover, the relations between the Soviet Union and the western Allies had not yet become strained to the point where Great Britain and the United States would look upon Franco Spain as a potential ally.

The United Nations itself excluded Franco Spain from membership at its first meeting in London. In February, 1946, in the twenty-sixth meeting of the General Assembly, the Spanish question was introduced to the United Nations. On February 9, 1946, the delegation from Panama proposed a draft resolution on the relations of member nations with Spain. The resolution as passed by the General Assembly read:

The General Assembly recalls:

That the San Francisco Conference adopted a resolution according to which paragraph 2 of Article 4 of Chapter II of the United Nations Charter cannot apply to states whose regimes have been installed with the help of armed forces of countries

which have fought against the United Nations so long as those regimes are in power.

The General Assembly recalls:

That at the Potsdam Conference the Governments of the United Kingdom, the United States, and the Union of Soviet Socialist Republics stated that they would not support a request for admission to the United Nations of the present Spanish Government 'which having been founded with the support of the Axis powers, in view of its origin, its nature, its record, and its close association with the aggressor states' does not possess the necessary qualifications to justify its admission.

The General Assembly, in endorsing these two statements, recommends that the Members act in accordance with the letter and spirit of these statements in the conduct of their future relations with Spain.¹

Nine nations spoke in favor of the motion: Mexico, the United States, France, Yugoslavia, Norway, Venezuela, the Byelorussian Soviet Socialist Republic, the United Kingdom, and Czechoslovakia. The most vehement speech was given by one of the Soviet bloc. Kuzma Kislev of the Byelorussian Soviet Socialist Republic, referring to the activities of the Blue Division, declared (technically incorrect) that Franco Spain had been at war with his country and that Spaniards had killed women and children, buried people alive, and committed other atrocities. When the measure came up for vote, it received approval from all the members except El Salvador and Nicaragua. These two countries, who

¹ Official Records of the United Nations, Records of the General Assembly, First Part, First Session, January 10-February 14, 1946: Annex 9, Document A/40, 584.

professed friendship for the Franco regime, voted against the resolution proposed by the delegation from Panama on the grounds that it countenanced intervention in the internal affairs of Spain which the United Nations Charter forbade. The resolution, weak in not binding the members of the United Nations in their relations with Spain, merely recommended that they follow the Potsdam and San Francisco statements when dealing with the Franco regime.

A much stronger proposal than the Panama resolution was introduced before the Security Council in April, 1946. Dr. Oscar Lange, the Polish representative, wrote the Secretary-General on April 8, 1946, informing Trygve Halvdan Lie that he had been instructed by his government to draw the attention of the Security Council to a situation "of the nature referred to in Article 34 of the Charter."² This situation,

² The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. (Charter of the United Nations and Statute of the International Court of Justice; Department of Public Information, Lake Success, New York, 1946, Article 34, 16. Articles 36, 37, and 38 also give the Security Council the right to take action to preserve the maintenance of international peace and security through peaceful methods. The Council may take coercive action under the authority of the Charter, by invoking the measures called for in Articles 39, 40, 41, 42, 43, and 44.)
Quote was taken from the United Nations Official Records of the Security Council, Meetings 24-29, 1946, 491.

according to Lange, was "due to the international friction resulting from the existence and activities of the Franco regime in Spain."³

On April 9, the Polish request that the Spanish question be placed on the agenda of the Security Council reached the office of the Secretary-General. The Polish government also referred to the Panama resolution and added that the closing of the Spanish-French frontier had caused "international friction" by providing a cause for conflict between Spain and France.⁴ The Polish government wanted the United Nations to adopt measures which would lead to the overthrow of the Franco regime. This could be done, according to the Polish government, under Article 2, paragraph 6, of the Charter under which the United Nations had the authority to apply the principles of the Charter to non-member nations.⁵ The Polish delegation also asked the Security Council to take action under Articles 34 and 35 of the Charter and to adopt any other measures necessary to bring about the collapse of the Franco regime.

The Polish request was read to the Security Council by

³ United Nations Official Records of the Security Council, Meetings 24-29, 1946, 1941.

⁴ Ibid., 491.

⁵ This paragraph states that the "United Nations shall insure that states not members of the United Nations act in accordance with the principles of the Organization." Ibid., 491.

Lange on April 24, 1946. The members of the Council at that time were: Australia, Brazil, China, Egypt, France, Mexico, The Netherlands, Poland, The Union of Soviet Socialist Republics, the United Kingdom, and the United States. The delegate from Egypt, Afifi Pasha, was president.⁶

The request of the Polish government received widespread attention in the newspapers of the United States, and pressure groups sent telegrams and memoranda "supporting" the Polish request to the Security Council. On the day before the Security Council met in New York, a memorandum on Spain (drawn up by the "Nation Associates," a liberal association, and signed by the representatives of eight national organizations, including Philip Murray of the C.I.O.) was submitted to the president and members of the Council.⁷ The Nation Associates wanted to show the Security Council that they favored Security Council action on the Spanish question.

The Security Council unanimously agreed to place the Spanish question on its agenda for its thirty-fifth meeting on April 10, 1946. At this meeting, Lange reviewed the history of the Franco regime in Spain. The Polish delegate stated that it was a well known fact that the Spanish regime had been installed with Axis help, and to prove his conten-

⁶ Ibid., 491.

⁷ "The Shape of Things," Nation, April 19, 1946, 428.

tion he cited telegrams of congratulation from Hitler to Franco, letters written by Franco to Mussolini and Hitler, and the United States White Book. He argued that the Franco government was a cause of international friction, that Spain was a refuge for Nazis and former members of the Gestapo, and that Spain was not co-operating with the Allied governments in their attempts to recover German assets in Spain. As a result of these alleged facts, the Polish government wanted the Security Council to call upon all members of the United Nations to break off diplomatic relations with the Franco government and to encourage the Spanish people to overthrow the Franco regime.⁸

Lange then introduced a resolution which he hoped would lead to the collapse of the Franco regime:

The Security Council declares that the existence and activities of the Franco regime in Spain have led to international friction and endangered the maintenance of international peace and security.

In accordance with the authority vested in it, under Articles 39 and 41 of the Charter, the Security Council calls upon all Members of the United Nations who maintain diplomatic relations with the Franco government to sever such relations immediately.

The Security Council expresses its deep sympathy to the Spanish people. It hopes and expects that the people of Spain will regain the freedom of which they have been deprived with the aid and contrivance of Fascist Italy and Nazi Germany. The Security Council is convinced that the day will come

⁸ United Nations Official Records of the Security Council, Meetings 24-29, 1946, 549.

when it will be able to welcome the Spanish nation into the community of the United Nations.⁹

The Polish resolution was vigorously denounced by the Spanish government. Franco offered to let those states maintaining diplomatic relations with Spain send representatives to Spain to investigate the Polish charges. These representatives would be allowed to circulate freely, "provided that once the inaccuracy is proven, ample publicity will be given the results of the visit."¹⁰

There is no evidence of any attention paid to the offer in the United Nations, and a lively debate began over the Polish resolution. Alexandre Parodi of France gave his full support to the Polish Proposal and pointed out that the French government had already sent notes, in March, to the United Kingdom and the United States in an effort to bring the Spanish question before the Security Council. But these two nations had not agreed with the French government. Parodi said that the French government wanted the United Nations to take a definite stand on the Spanish question. He claimed that the United States and Great Britain had advanced unjustified objections: that the existence of the Franco regime did not create a threat to international peace and that, therefore, the Security

⁹ Ibid., 550.

¹⁰ "Foreign Affairs," Newsweek, April 22, 1946, 40.

Council did not have jurisdiction; second, that the Spanish problem was no concern of the United Nations; third, that any action by the United Nations would only strengthen the dictatorship.¹¹

Francisco Castillo Najera of Mexico also spoke in favor of the resolution, reaffirming his country's desire to see democracy return to Spain. Andreis A. Gromyko of the Soviet Union also gave his support to the motion, warning the Security Council to be careful lest it make the same fatal mistake the League had made in sponsoring the Non-Intervention System; Gromyko appeared to believe that the actions of the League had made Franco's rise possible and had also contributed to the League's collapse.

Not all of the countries were in favor of the resolution. The attitude of the United States was expressed by Edward Stettinius who said that the United States would not support any measure "likely to lead to civil war." Sir Alexander Cadogan of Great Britain stated definitely that the United Kingdom would not give its approval to the Polish resolution, because it believed that the regime was not creating a threat to international peace as the resolution claimed. He stated that apparently

¹¹ United Nations Official Records of the Security Council, Meetings 24-29, 1946, 605.

Francisco had thought that Hitler's power was irresistible and that Hitler would conquer the European continent, so Francisco had wished to draw from that belief the best advantage he could for Spain. Sir Alexander intimated that Francisco was not alone in making that mistake and called for a more thorough investigation of the Spanish problem. The delegate from Brazil pointed out that it was not a part of the Security Council's function to intervene in Spain's internal affairs. He insisted, also, that member states should consider non-intervention their only proper course. Mr. Van Kleffens of The Netherlands also voiced his disapproval of the resolution, arguing that diplomatic sanctions adopted against Francisco would only hurt the Spanish people.

The Council was hopelessly split on the Polish resolution when Colonel Hedgeson of Australia offered a compromise. He wanted the Council to create a sub-committee to investigate the facts of the Spanish question and to make some recommendations. Colonel Hedgeson wanted the proposed sub-committee to answer three questions. First, was the Spanish question essentially within the jurisdiction of the United Nations? (And thereby within the jurisdiction of the Security Council) Second, was the situation in Spain one which might lead to international friction? Third, was the situation in Spain likely to

endanger the maintenance of international peace?

The Council was unable to agree to this compromise until the United Kingdom, France, and Poland reached an agreement outside the Council hall, and it was not until the next day that the Australian resolution, calling for the creation of a sub-committee, was adopted.¹² Ten countries voted for the proposal, and only Gromyko of the Soviet Union refused to vote for the resolution. He asserted that there was no need for a committee of investigation and that his nation was absolutely opposed to compromise. But he would abstain rather than vote against it.

The president of the Security Council declared the resolution adopted and appointed the delegates from Australia, France, Brazil, China, and Poland to serve on the "Special Sub-Committee to Investigate the Spanish Question." Lange of Poland proposed that Hedgeson of Australia be appointed chairman of the sub-committee, and the Council approved.¹³

No evidence was accepted from the Franco government. The sub-committee based its recommendations solely upon evidence submitted by member nations and the exiled Spanish Republican government. The members of the sub-

¹² Ibid., 605.

¹³ Ibid., 606.

committee, of the opinion that the Spanish question was of international concern and therefore exceeded the domestic jurisdiction of Spain, collected and listed data under eight headings.¹⁴

1. The sub-committee was to determine the "origin, the nature, and the structure of the Spanish regime," its general conduct, and the extent to which the institutions and policies of the regime were compatible with the principles of the United Nations. The evidence examined by the sub-committee led it to believe that Franco's success was mainly due to the assistance of the Axis powers. This assistance, according to the sub-committee, began on the first day of the rebellion, when Hitler sent Franco a Deutsche Lufthansa plane for the historic flight from the Canaries to Tetuan, and continued until the fall of Madrid. The sub-committee pointed out that Hitler had admitted intervening in Spain and quoted from Mussolini's article in Il Popolo d'Italia of May 20, 1938 in which the Duce is supposed to have written:

As for Spain, we have intervened from the first to the last moment. Now, thousands of Italian officers have had experience on Spanish battlefields.¹⁵

¹⁴ "Report of the Sub-Committee on the Spanish Question", United Nations Security Council Official Records, 1st Year, 2nd Series, Special Supplement, June, 1946, 1.

¹⁵ Ibid., 8.

The sub-committee also cited an article from Stefani, the official Italian news agency, to the effect that Italy had sent Franco 763 planes, 1,672 tons of bombs, and 9,250,000 rounds of ammunition. In short, the sub-committee claimed that as long as all three leaders (Franco, Hitler, and Mussolini) had admitted Axis aid to the Franco regime during the Spanish civil war that there was no question of whether the Axis had intervened in Spain. The sub-committee did not, however, determine what part this aid played in Franco's success.

The structure of the regime, decided the sub-committee, was patterned after the fascist governments of Italy and Germany.. In July, 1937, Franco had stated that:

Spain will have the structure of totalitarian regimes such as Italy and Germany.¹⁶

According to the sub-committee, the general conduct of the regime had been similar to that of the fascist countries, and it claimed that the Falange, which was the sole Spanish political party, had adopted all the methods of the Germans and the Italians. The "Youth Front" was the same as the organization of Mussolini's "Ballilas," and that the organization, supervision, and control of the press and education were under the authority of the state.

2. The sub-committee was to determine the attitude of

¹⁶ Ibid., 9. (quoted from the New York Times, February 28, 1946.

the Franco regime during World War II toward the Allies and toward the Axis. On this item the sub-committee commented that it seemed clear from numerous pronouncements of Franco that Spain had supported the Axis cause; he had admitted on July 17, 1941, that:

The Axis is now a triangle comprising Germany, Italy, and Spain.¹⁷

The members of the sub-committee were of the opinion that after the outbreak of war in Europe, Franco had prepared for Spain's entry on the side of the Axis. Moreover, the sub-committee listed the types of aid given the Axis by Franco: the Blue Division, the Salvador Air Squadron, the use of Spanish ports for submarine and air bases, and secret service aid. It also recalled that Franco had sent congratulations to the Japanese legation on the successful Japanese attack on Pearl Harbour and had recognized the Japanese puppet regimes in China and the Philippines.

3. The sub-committee was to determine the extent to which the Franco regime continued to "harbour German assets, enterprises and personnel, Nazi agents, organizations and war criminals and to tolerate their contact with Nazi and Fascist organizations outside of Spain."¹⁸ The sub-committee estimated that German property in Spain had been worth

¹⁷ Ibid., 12. (quoted from Spanish Republican Report)

¹⁸ Ibid., 23.

95,000,000 dollars, but that some of this property had been recovered by the British and American Recovery Missions. It claimed that Franco had co-operated in this recovery only under "constant pressure" and that there were still some 3,000 Germans in Spain that could be classified as "obnoxious." It also charged that ex-Gestapo leaders directed the external services of Franco's espionage system and of his Military Intelligence Service.

4. The sub-committee was to estimate the numerical strength of the armed forces of the regime, including police and security forces, in relation to the population and resources of Spain and the strategic aims and purposes of these forces. The sub-committee estimated that the total armed strength of the Franco regime was 800,000 men, the total tonnage of the Spanish navy to be 341,395 tons, and the total number of aircraft to be 450. The sub-committee decided that these armed forces were only for defense. (The sub-committee also noted that these forces were poorly led, illequiped, and of low morale.)

5. The sub-committee was to estimate the production of uranium and war materials and the extent of military and naval research. It was admitted that Spain had six uranium mines, that Spain had not increased productivity in any important industry, and that Spain was not preparing for war.

6. The sub-committee was to investigate the persecution of Republicans and other political opponents and the execution, imprisonment, and police supervision of large numbers of the Spanish people. The total number of political prisoners in Spain was estimated by the sub-committee to be 35,000, and the sub-committee "took note" of the Spanish Republican claim that these prisoners were treated horribly. It also claimed that the population of Spain was under constant supervision, control, and terror as a result of the activities of Franco's secret police.

7. The sub-committee was to investigate the detention by the Franco regime of nationals of other countries. The sub-committee declared that there were only sixty-six foreigners in Spanish prisons, and that the Spanish government was anxious to get rid of them.

8. The sub-committee was to investigate the pro-fascist activities of the Falange party and other Franco organizations outside of Spain. The sub-committee alleged that Spanish diplomatic officials had for years been encouraging groups in the American republics to oppose inter-American unity against the Axis powers during the last war.

In these eight groups, the sub-committee had merely repeated what had already been acknowledged by the United Nations: that the Franco regime was partly fascist in origin, character, and habit. The most significant part of the re-

port was the section on the jurisdiction of the Security Council. The sub-committee decided that the Security Council could not claim jurisdiction under Article 39, since Spain was not creating a threat to the peace and security of the world, nor had it committed an act of aggression.¹⁹ By this conclusion the sub-committee declared that the Polish resolution was illegal, because the resolution had sought authority for the Security Council under Article 39. But the members of the sub-committee agreed that despite the illegality of the Polish resolution, the seriousness of the situation in Spain warranted some action by the United Nations.

¹⁹ "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security." (United Nations Charter and Statute of the International Court of Justice, Chapter VII, Article 39, 17.)

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." (Ibid., Article 41, 17.)

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." (Ibid., Article 42, 17.)

The sub-committee believed that the Security Council should claim jurisdiction under Chapter VI of the Charter, which empowered the Security Council to examine "any situation which might lead to international friction," to determine whether the continuation of the situation was "likely to endanger the maintenance of international peace and security."²⁰ Having now decided that the Security Council had the right to take some kind of action, it remained for the sub-committee to discover what action the Council could take. The members of the sub-committee agreed, with the exception of Poland's Lange, that the Security Council should communicate the findings of the investigating group and its own recommendation to the General Assembly which would be able to claim jurisdiction under the Charter.²¹

In view of these conclusions the sub-committee made three recommendations:

- (a) the endorsement by the Security Council of the principles contained in the declaration by the

²⁰

Ibid., 15.

²¹

The General Assembly may discuss any question or matter within the scope of the Charter not on the agenda of the Security Council. However, it can only make recommendations; it can never command the member states to follow its recommendations. There is no veto in the General Assembly, and important questions have a better chance of being acted upon, since decisions on such questions require only a two-thirds majority of the members present and voting.

governments of the United States, the United Kingdom, and France, dated March 4, 1946:

- (b) the transmitting by the Security Council to the General Assembly of the evidence and reports of the sub-committee together with the recommendation that unless the Franco regime was withdrawn and the other conditions of political freedom set out in the declaration were in the opinion of the General Assembly fully satisfied, a resolution would be passed by the General Assembly recommending that diplomatic relations be broken off by each member;
- (c) in the event that these conditions were fulfilled, Spanish application for membership in the United Nations would be honored.²²

Lange of Poland was the only sub-committee member who did not approve these recommendations, and he declared that the sub-committee had ignored the legal jurisdiction of the Security Council.

The report was finished, published, and distributed by June 6, 1946, six weeks after adoption of the April resolution. It constituted the most important, certainly the most positive, action of the Security Council on the Spanish problem, but was admittedly a summation of old charges against Spain, and not the result of an impartial investigation or search for new evidence. It brought to light the very definite division among the members of the Council. As for the Polish

²² Ibid., 5.

resolution, France, the Soviet Union, Poland, and Mexico supported it, while the United States, the United Kingdom, China, and Brazil withheld their approval on the grounds that the proposed action would have amounted to intervention in the domestic affairs of another state, Australia played the role of compromiser.

When the Council voted on the Australian compromise, that is, on whether to refer the question to a sub-committee for "investigation", only the Soviet Union refrained from voting. The Soviet Union exercised its right of abstention on the grounds that the formation of a sub-committee was unnecessary, for the Council already knew the facts and any such investigation would delay action on the Spanish question. The split was less evident in the work of the sub-committee, although there was a slight disagreement over the question of the Security Council's jurisdiction, with Poland claiming that the Security Council had the right to make whatever decisions, to take whatever action, it deemed necessary.

The name given to the sub-committee by the Security Council has led to a mistaken belief that the sub-committee was a special group of experts, unbiased and well qualified. In reality, it was no more than a group of members of the Security Council (possessing the same dislikes as in the Council) who had retired to a smaller

room to reach a compromise on a question they had been unable to agree upon in the larger Security Council. This compromise was reached without regard to the basic issues involved, whether the Franco regime was creating a threat to international peace and whether the Spanish people were being deprived of their freedoms in violation of the principles of the Charter. Only once had the Council even mentioned asking for expert opinion, and when the United Kingdom had made this suggestion, it was quickly passed over. Each country, or group of countries, seemed determined to protect its own interests without thought of the purposes and principles of the Charter.

Chapter III. The Stalemate in the Security Council over the Spanish Question

The report of the special subcommittee appointed by the Security Council to investigate the Spanish question had confirmed the alleged guilt of the Franco regime. It also had recognized the right of the Security Council under the authority of the Charter to "take action on the Spanish question." The Security Council received the sub-committee report on June 6, 1946 at its thirty-seventh meeting. The membership of the Council had not changed, but Alexandre Parodi of France had replaced the Egyptian delegate as the Council president.

The president reminded the Council that the special sub-committee had been appointed to examine the Spanish question. He requested Dr. Hugh Evatt of Australia, the new chairman of the sub-committee, to make his report. Evatt did not read the report of the sub-committee, since it had been distributed to the delegates, but merely recalled the sub-committee's recommendation that the United Nations should endorse the principles of the Three Power Joint Declaration of March 4, 1946. Evatt felt that the big question was how to apply these principles, and he urged the Council to give its full support to the recommendations of the sub-committee. These included a recommendation for the severance of diplomatic relations by all member states of the United Nations with Franco Spain which Evatt defended by saying that:

it is a form of action within the control of the individual nation, and a common form of expressing international disapproval.¹

He claimed that since the Security Council had already expressed its disapproval of the Franco regime, a severance of diplomatic relations by the members of the United Nations with Spain would be a natural result of the Council's views. The Australian delegate argued that as long as the United Nations would not admit Franco Spain to membership, no member of the United Nations should maintain diplomatic relations with the Franco Government.

Evatt further reminded the Council that the sub-committee had decided that the situation in Spain was not creating a threat to international peace, and that, therefore, the Security Council could not make arbitrary decisions on the Spanish question. But since the sub-committee had decided that the continuation of the situation might lead to a threat to international peace, the Council could make recommendations to correct the problem in Spain.² These could include a severance of diplomatic relations

¹ United Nations Security Council Official Records, 1st Year, 2nd Series, 719.

² Article 34 of the Charter gives the Security Council the authority to conduct such an investigation. Article 39 gives the Security Council authority to apply the sanctions of Articles 41 and 42 if and only if the Council has decided that a breach or threat to the peace exists at the moment of sanction.

with Spain by all the members of the United Nations. Evatt also explained the recommendation of the sub-committee that the Security Council refer the findings of the sub-committee to the General Assembly which would have jurisdiction over the Spanish question.³ Said Evatt:

We thought it proper that the Security Council should not be final arbiter in this matter, but as all the United Nations, and the matter of diplomatic relations is involved, the matter should at last go to the General Assembly.⁴

Evatt's statement raised protests from Lange of Poland who claimed that Evatt had hinted that the Security Council did not have the jurisdiction to examine the Spanish question. Lange pointed out that he, himself, had never questioned the Security Council's right to examine the Spanish question and that regardless of the findings of the sub-committee, he was of the opinion that the Security Council could take whatever action it deemed necessary to correct the Spanish problem.

Parodi indirectly supported Lange, and Gromyko of the Soviet Union condemned the entire sub-committee re-

³ The General Assembly may discuss any question within the scope of the Charter and make recommendations to the Security Council or to the members of the United Nations on any matter or question, as long as the Security Council does not have the question on its agenda.

⁴ United Nations Official Records of the Security Council, 1st Year, 2nd Series, 761.

port, claiming that the work of the sub-committee had been a waste of time. Gromyko reviewed the history of Spanish-German collaboration during the war and the activities of the "Blue Division," the memory of which seemed to be a painful thorn in the side of the Soviets. Gromyko asserted that if the United Nations did not take the first step in the campaign to depose the Franco regime, the first step being a break in diplomatic relations directed by the Council, that the United Nations would be failing in its duty to preserve the peace. The Soviet delegate argued that the sub-committee had not dared to "draw the right conclusions although it was well aware of what they were," and he demanded that the Security Council (and not some lesser organ of the United Nations) decide what action to take on the Spanish question. Otherwise the authority of the Security Council would be "undermined."

Herschel Johnson, the alternate delegate to the Council from the United States, did not agree with Gromyko. He wanted the Council to modify the recommendations of the sub-committee in such a way as to permit only the General Assembly to act upon the Spanish question. He announced that the United States would support the recommendations of the sub-committee in the Security Council but was reserving its vote in the General Assembly. In

other words, he would vote for the recommendation which referred the Spanish question to the General Assembly, but he was undecided as to how he would vote on the second part of the sub-committee's recommendation that the United Nations break off diplomatic relations with Spain. This line was followed by Afifi Pasha of Egypt who announced that he would vote for the recommendation to refer the Spanish question to the General Assembly, but he would not vote for any measure which called for a break in diplomatic relations with Spain.

Sir Alexander Cadogan wanted to amend the recommendation. He argued that although the regime in Spain was undoubtedly undemocratic and that Franco's war record "was certainly black enough," he did not think that the Security Council had any jurisdiction over the Spanish question and that the form of government of a country was "under the domestic jurisdiction of the country."⁵ Therefore, he warned the Council to be careful that its actions did not set a precedent out of line with its powers. He proposed that the recommendation be amended so that it would merely endorse the March 4, 1946 declaration of the United States, Great Britain, and France and that it be sent to

⁵ Ibid., 765.

the General Assembly without any other recommendation.⁶

The proposed British amendment was attacked by Evatt of Australia who maintained that the action of the Security Council as proposed by the sub-committee report would not be intervention in Spanish affairs. He pleaded for the adoption of the sub-committee's recommendations. Gromyko of the Soviet Union and Lange of Poland also opposed the British resolution, maintaining that the original Polish resolution had not been drastic enough; if the sub-committee's recommendations were amended now, it would be tantamount to taking no action at all. And if the amendment were accepted, the Polish delegation would vote against the recommendations.

When the British amendment was put to a vote, Gromyko of the Soviet Union and Lange of Poland voted against it, and thus it failed to be adopted because a permanent member of the Security Council had voted against it.⁷ Then the Polish resolution was put to a vote by the president,

⁶ Ibid., 792.

⁷ Decisions of the Security Council on important (or substantive) matters are made by an affirmative vote of seven members, including the concurring votes of the five permanent members, provided that a party to a dispute shall abstain from voting. The preliminary question of whether a matter is procedural or substantive is itself substantive and therefore subject to the veto. There is no set definition of just what matters are substantive, but in practice they seem to be any matter in which a Great Power has an interest.

and it also failed to be adopted because of the Soviet Union's opposition. (That part of the resolution that contradicted the findings of the sub-committee and its recommendation on the jurisdiction of the Security Council had been eliminated.) Indeed, the resolution, introduced by Lange of Poland, was so changed as a result of the sub-committee's recommendations that Lange, himself, also voted against it.⁸

The situation became hopelessly muddled when the Polish delegate presented another resolution that the Council vote on the original Polish resolution without considering the findings of the sub-committee. He argued that the Council had purposely pushed the Polish resolution aside and that it was correct procedure to vote on the original resolution. The president of the Security Council agreed with Lange and called for a vote. The resolution was defeated, with only France, Mexico, the Soviet Union, and Poland voting for it.

The Polish and Soviet Union delegations, not disheartened by this reversal, offered another resolution designed to keep the Spanish question on the agenda of the Security Council and out of the hands of the General

⁸ Lange voted against it not because the measure was not strong enough, but because he believed that the resolution should not go to the General Assembly.

Assembly, a resolution which was the product of Soviet fears that the Spanish question would be transferred to the General Assembly where the Soviet Union had no veto. The resolution offered by the Polish and Soviet Union delegations read as follows:

The Security Council takes notice of the report of the Sub-Committee on the Spanish question appointed on April 29, 1946. The investigation of the Sub-Committee confirms fully the facts which have led to the condemnation of the Spanish regime by the Conferences in San Francisco and Potsdam, by the General Assembly in London, and by the Security Council in the resolution of April 24, 1946.

The Security Council, therefore, decides to keep the situation under continuous observation and keep the question on the list of matters which it is seized in order to take such measures as may be necessary in the interest of peace and security.

The Security Council will take up the matter again not later than September 1, 1946, in order to determine what appropriate practical measures provided by the Charter should be taken. Any member of the Council has a right to bring up the matter before the Security Council at any time before the mentioned date.⁹

Evatt of Australia attacked the combined Polish-Soviet resolution on the grounds that it would defeat the very purpose for which it was intended. Although the Polish delegate argued that this new motion would produce some positive action, Evatt countered that it would merely bury the question in the Security Council where the General Assembly

⁹

United Nations Official Records of the Security Council, 1st Year, 2nd Series, 806.

could not act.

The combined Polish-Soviet Union resolution was not put to a vote, but Lange immediately offered another resolution. This resolution, called the second Polish resolution, was almost like the combined Polish-Soviet Union resolution. Only the phraseology was different. Evatt of Australia took issue with the phraseology of the third sentence which stated that the "investigation also establishes beyond a doubt that Franco's fascist regime is a serious danger to the maintenance of international peace and security." This was not what the investigation had established; to the contrary, it had concluded that the regime was not an existing threat to the peace. Evatt was of the opinion, along with Wang Shih Chieh of China, that unless new facts were brought before the Council, there were no grounds for further Council action. If action were to be taken on the Spanish question, it would have to be in the General Assembly. Evatt's comment brought forth assertions from Lange that it was not the intention of his motion to prevent action by the General Assembly on the matter. He appealed with the members of the Council to "not again become prisoners of legal interpretation."¹⁰

¹⁰ Ibid., 808.

The resolution was also denounced by Alexander Cadogan who once again expressed his view that the Spanish question be referred to the General Assembly. Therefore, he proposed an amendment to strike out the clause requiring the matter to be brought up before the Security Council by September 1.

Soviet protests to the proposed British amendment were voiced at once. Gromyko argued that not only was the second Polish resolution the very mildest measure that could be considered by the Council but that it and all the other proposals, resolutions, counter-proposals, and amendments were inadequate. He said that as long as the Council seemed to be incapable of taking any concrete steps to remove the menace of Franco Spain, the least it could possibly do would be to keep the question on the agenda. Gromyko warned that the acceptance of the British amendment would so distort the original resolution that nothing would "remain but a blank space."¹¹

The split between the Soviet Bloc and the western Allies was growing wider. Even the French delegate, who up to now had supported the Soviet attacks on the Franco regime, recognized that the Polish proposal was not the result of Soviet determination to remove Franco from Spain but only an attempt to bolster the power and prestige of

¹¹ Ibid., 819.

the Security Council. He gave his full support to the British amendment, as did Johnson, the United States alternate delegate.

It was clear, then, that the second Polish resolution was doomed to failure. So the untiring Lange proposed the appointment of a drafting committee to construct a resolution favorable to a majority of the Council members. The main question, of course, was whether the British amendment would be included by the drafting committee. All the Council members approved the selection of a committee, and Parodi appointed the delegates of Australia, Poland, and the United Kingdom to draw up a draft resolution on the Spanish question. This was a rather fitting selection, since Evatt of Australia was chairman of the Special Investigating Committee, Lange of Poland the author of the resolution, and Cadogan of the United Kingdom the author of the amendment.

It did not take this committee long to reach an agreement, and before the next meeting of the Council Evatt announced that the drafting committee had been able to agree upon a draft resolution which read:

Whereas the Security Council on April 29, 1946 appointed a Sub-Committee to investigate the situation in Spain,

and whereas the investigation of the sub-committee has fully confirmed the facts which led to the condemnation of the Franco regime by the Potsdam and San Francisco conferences,

the General Assembly at the first part of its first session and by the Security Council by resolution of the date above mentioned,

and whereas the sub-committee was of the opinion that the situation in Spain is one the continuance of which is likely to endanger the maintenance of international peace and security,

it is hereby resolved that without prejudice to the rights of the General Assembly under the Charter, the Security Council deems the situation in Spain under continuous observation and maintains it upon the list of matters which it is seized in order that it will be at all times ready to take such measures as may become necessary to maintain international peace and security; any member of the Security Council may bring the matter up for consideration by the Council at any time.¹²

The only difference between this new resolution and Lange's motion was the deletion of the date clause requiring the Council to bring up the matter by September 1. The resolution seemed to allow the General Assembly to examine the situation, too, but in reality it did not! The resolution stated that "without prejudice to the rights of the General Assembly under the Charter" the Security Council would keep the question under continuous observation. This meant that the General Assembly would merely keep the powers given it by the Charter; the Security Council did not give it a new right (nor could it under the Charter). Therefore, the General Assembly could not make any recommendations on the Spanish question as long

¹² Ibid., 822.

as the Security Council kept the matter under observation.¹³

There were two interpretations of the resolution drafted by the committee, one by Poland and one by Australia, so divergent that it was decided that in reality there were two resolutions, and therefore, that the Council would have to vote on each of them. The Polish delegate interpreted the resolution to mean that the Security Council would take further action on the Spanish question before the situation worsened, while the Australian delegate believed that the resolution meant that the Council would not take further action on the Spanish question unless it actually threatened international peace. The interpretation of the Australian delegate was viewed by Gromyko as resulting "in a resolution both empty and ridiculous."¹⁴ Both interpretations of the proposal were defeated, with the Australian, British, and the American delegates voting against the Polish interpretation, and the Soviet Union and the Polish delegates voting against the Australian interpretation.

One important implication of these votes on the two interpretations of the resolution was that they marked

¹³ Article 12 of the United Nations Charter.

¹⁴ Ibid., 822.

the turning point in the Mexican attitude toward Soviet policy in the Council. For the first time in the history of the Spanish question, the Mexican delegate sharply criticized Soviet intentions and asserted that the Soviet Union was more interested in protecting the power of the Security Council than in removing Franco from Spain.

The debate now became almost completely buried in legal interpretation, with amendments, amendments to amendments, and procedural arguments, until it was finally decided to put the resolution of the drafting committee to a vote sentence by sentence. This vote was to prove the end of an affair described by Evatt as a "scandal." Francisco Najera, who had replaced Parodi as president, announced that the proposal had been defeated because the Soviet Union had voted against the sentences which gave the resolution its meaning. The Security Council now laid the Spanish question aside.

Before the General Assembly can take action upon any question being discussed in the Council, the Security Council must "remove the matter from the list of matters which it has seized."¹⁵ With respect to the Spanish question, action was taken at the 79th meeting of the Security Council on November 4, 1946.¹⁶ Strange as it may seem, the propos-

¹⁵ Ibid., 493.

¹⁶ Ibid., 499.

al to remove the Spanish question from the Security Council agenda was made by Lange of Poland, the same man who earlier had worked so hard to defeat a similar proposal in the Council. Just three months before, the Soviet and Polish delegates had sacrificed their desire to take action against Spain to defeat a resolution allowing the General Assembly to examine the Spanish question. At that time, both Lange and Gromyko had vigorously opposed any attempt to place the matter in the hands of the General Assembly. Now, on November 4, Poland changed its policy, and it was Lange of Poland who requested the Council to remove the Spanish question from the agenda of the Security Council. The resolution prepared by Lange read:

The Security Council resolves that the situation in Spain be taken off the list of matters of which the Council is seized, and that all records and documents of the case be put at the disposal of the General Assembly.¹⁷

This proposal was almost like the proposal which the Soviet Union and Poland had defeated in resolution after resolution just a few months before.

It is not hard to establish a motive for this change in Soviet diplomacy. A month before, on October 15, 1946, the Council had unanimously resolved to make the International Court of Justice available to states not parties

¹⁷ Ibid., 493.

to the Statute of the Court. After the International Court resolution had been passed by the Council, Lange once again had pressed his campaign against Franco Spain by arguing that it would not be possible for Spain to claim the advantages of the International Court because of the character of its regime. He had proposed a resolution specifically to exclude Spain from the Statute of the Court:

In accordance with the resolutions adopted by the General Assembly in London on the 9th of February and the 10th of February, 1946, the above resolution does not apply to those states whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power.¹⁸

From the debate which followed the presentation of this resolution, it was evident that it was doomed to failure, for the delegates of the United States, the United Kingdom, The Netherlands, and Brazil stated that they would vote against the proposal, because it was contrary to the "fundamental concepts of justice." When the resolution was put to a vote, it was rejected, with only France, Mexico, Poland, and the Soviet Union voting for it.¹⁹

¹⁸ *Ibid.*, 467

¹⁹ *Ibid.*, 472.

The Soviet Union and Poland became convinced from this defeat that they would never attain their goal, that is, the adoption of diplomatic sanctions against Spain, so long as the matter remained in the Security Council. Hoping that they would have a better chance in the General Assembly, Lange proposed the dropping of the Spanish question from the Council agenda. The latest Polish resolution was put to a vote on the same day and was unanimously adopted. As a result, the General Assembly was free to act upon the Spanish question.

All in all, the action on the Spanish question in the Security Council was a dismal failure. The Soviet Union and the Anglo-American faction failed to reach an agreement, with both sides more interested in furthering their national interests than reaching a compromise. The Soviet Union believed that the different resolutions proposed in the Council were not drastic enough and refused to compromise. The United States, the United Kingdom, and their friends on the Council (Brazil, Egypt, Australia, The Netherlands, China) believed that it was more important to refrain from interfering in the internal affairs of a country than to depose the Franco regime. The Soviet Union and Poland, too, allowed other considerations to influence their action in the Council. At first, they were afraid to let the problem slip out of the hands

of the Security Council for fear that it would strengthen the General Assembly to Soviet disadvantage. (In the Security Council the Soviet Union could better watch over its own interests through the use of the "veto" than in the General Assembly where decisions on important matters require only a two-thirds vote of the members present and voting.) Mexico and France, influenced by pressures at home, supported first one side and then the other, but in the end they gave their support to the Anglo-American bloc. As the situation between the western Allies and the Soviet bloc worsened and the picture of a Spain allied to the United States and the United Kingdom was envisioned by the Kremlin, the Soviets agreed to place the Spanish question on the agenda of the General Assembly. The big question now was whether the Soviet Union would be able to persuade the Assembly to adopt sanctions against Spain after the Security Council had refused.

Chapter IV. A Change of Scene

The scene of action now changed from the Security Council to the General Assembly. Since the Council had failed to adopt any measures directed against the Franco regime in Spain, much to the disappointment of the Polish and Soviet Union delegations, it was now to the General Assembly that these delegations looked for success. The Spanish question was placed on the agenda of the General Assembly at the joint request of Belgium, Czechoslovakia, Denmark, Norway, and Venezuela and was immediately referred to the First Committee on Political and Security Questions. Dr. Dimitri Z. Manuilsky of the Ukrainian Soviet Socialist Republic was chairman of the committee when the Spanish question was introduced at the thirty-fifth meeting on December 2, 1946.

Lange, the former Polish delegate to the Security Council (Poland was not a permanent member of the Security Council and so used Lange as its representative in the General Assembly when the Council was not in session) and the most determined of Franco's enemies in the United Nations, introduced the Spanish question to the committee. He eloquently stressed the importance of taking action against Franco Spain and again reviewed Franco's war record and the Axis intervention which brought him to power. He also reminded the committee of the findings of the Security

Council's special sub-committee on the Spanish question, and, possibly trying to make the report seem more important than it really was, incorrectly interpreted it. He claimed that the sub-committee had found that the situation created by the existence and activities of the Franco regime in Spain was a threat to the peace of the world, when the truth of the matter was that the sub-committee had found that the situation in Spain was not a threat to the peace. Lange asked the members of the committee to draft a resolution which would actively aid the Spanish people to throw off the "yoke of slavery".¹

Taken as a whole, the committee approved the request of Lange. Zuloaga of Venezuela defended the right of the United Nations to deal with the Spanish question, and he dismissed the claims of some members that United Nations action against the Franco regime would be a violation of the non-intervention clause of the Charter. The Security Council, he said, had already concluded that United Nations action would not constitute intervention (probably referring to the sub-committee report). Therefore, the matter was settled, as the General Assembly could not question the decisions of the Security Council. Zuloaga

¹ "Records of the First Committee", United Nations General Assembly Official Records, First Part, Second Session, October-December, 1946, 356.

also requested the members of the committee to draft a resolution which would aid the Spanish people in their fight for freedom.

When Zuloaga finished, Connally of the United States presented a draft resolution for the committee's study. This resolution assured the Spanish people of the warm friendship of the United Nations and condemned the Franco regime. It declared that:

The General Assembly recommends:

that the Franco Government be debarred from membership in international agencies set up at the initiative of the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.²

Conspicuously absent from the United States resolution was any mention of a break in diplomatic relations. In fact the exclusion of Franco Spain from the specialized agencies as recommended in the United States resolution meant very little since membership in these agencies is not a requirement for the conduct of international relations. (The Soviet Union in 1951 belongs to none of these agencies, has never belonged to more than four of them). The United States, by presenting its moderate resolution, hoped to prevent any drastic action against the Franco regime. The resolution was not presented for vote

² Ibid., 356.

but merely for study by the committee.

After the presentation of Connally's proposal, two very strong pro-Franco speeches were made by Hector David Castro of El Salvador and Ricardo Fournier of Costa Rica.³ These two speakers denied that the United Nations had jurisdiction in the Spanish question, claiming that any United Nations action would be a violation of the non-intervention principle. Fournier announced that his government would not hesitate to recognize any regime so long as it was stable and did not interfere with other countries.

Saenz of Guatemala and Mora of Uruguay held a different view. They argued that any attempt to maintain cordial relations with Franco would amount to intervention in his favor. The Nicaraguan delegate in turn rejected this approach to the question, and, along with the Colombian delegate, supported the United States resolution.⁴

Lange countered the United States resolution by proposing that the committee adopt a resolution similar to the United States resolution but also calling for a break in diplomatic relations with Franco Spain.

From the debate between the friends and foes of the United States resolution, it was evident that the resolu-

³ Ibid., 358.

⁴ Ibid., 359.

tion would not be acceptable to a large majority in the General Assembly. There were also many complaints against the Polish counter-proposal which called for a break in diplomatic relations with Spain. The strongest argument against the Polish resolution was that if the General Assembly called for a break in diplomatic relations with Spain, and the members of the United Nations failed to comply, it would be a fatal blow to the United Nations. (The General Assembly can never do more than recommend action to the member states.)

It appeared that the Political Committee would be unable to agree on a resolution dealing with the Spanish question, but Thor Thors of Iceland suggested a compromise. Thors requested that the Political Committee select a sub-committee to examine the various proposals, resolutions, and amendments and to draft a resolution acceptable to the majority of the General Assembly. The committee unanimously approved the Iceland proposal, and it elected representatives of the permanent members of the Security Council and the authors of all resolutions, proposals, and amendments on the Spanish question to serve on the sub-committee. The sub-committee was charged with the task of "seeking common ground among the many resolutions and producing an original resolution which might be unanimously acceptable."⁵

⁵ Ibid., 270.

Composed of Belgium, the Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Cuba, France, Guatemala, Mexico, The Netherlands, Norway, Panama, Poland, the Union of Soviet Socialist Republics, the United States, the United Kingdom, Venezuela, and Yugoslavia, this special sub-committee delivered its report on December 9, 1946 to the forty-third meeting of the Political Committee. (This sub-committee was not appointed to investigate the Spanish question and to make corrective recommendations, but merely to reach a political compromise between the Great Powers.) After a short discussion of the draft resolution prepared by the committee, short because the battle had already been won in the sub-committee hearings, the resolution was put to a vote, paragraph by paragraph, and finally adopted.⁶

At long last a resolution was to reach the General Assembly which promised the Franco regime some real trouble and which was acceptable to the majority of the members of the United Nations. The resolution, one of the most important in the history of international organization, (this was the first time that the character of government of a country was deemed incompatible with the principles of "right and justice" as determined by the rest of the

⁶ Ibid., 293.

world) declared that:

The peoples of the United Nations at San Francisco, Potsdam and London condemned the Franco regime in Spain and decided that as long as the regime remains, Spain may not be admitted to the United Nations.

The General Assembly in its resolution of February 9, 1946, recommended that the Members of the United Nations should act in accordance with the letter and spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that in May and June 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The sub-committee of the Security Council charged with the investigation found unanimously:

- (a) In origin, nature, structure, and general conduct the Franco regime is a fascist regime patterned on, and established largely as a result of aid received from Hitler's Nazi Germany and Mussolini's Fascist Italy.
- (b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy powers. First, for example, from 1941 to 1945 the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco, large numbers of Allied troops were immobilized in North Africa.
- (c) Incontrovertible documentary evidence establishes that Franco was a guilty

party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the war became banded together as the United Nations. It was a part of the conspiracy that Franco's belligerency should be postponed until a time to be mutually agreed upon.

The General Assembly, convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis powers during the war, does not represent the Spanish people and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

recommends that the Franco Government of Spain be debarred from membership in international agencies established by, or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or these agencies, until a new and acceptable government is formed in Spain.

The General Assembly further desiring to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations:

Recommends that if within a reasonable time there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly, and to the prompt holding of an election in which the Spanish people, free from force and intermediation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation and:

Recommends that all members of the United Nations immediately recall from Madrid their Ambassadors and Ministers plenipotentiary accredited there.

⁷ Ibid., 304

This resolution must be considered a mild diplomatic victory for the Soviet bloc, as it was almost identical (at least in the action it called for) to the Polish proposals made in the Political Committee. However, there was one slight difference; a difference which appears to be slight, but in reality was very important. The Polish proposals had called for a break in diplomatic relations, while the proposed resolution only recommended that the members of the United Nations recall their ministers and ambassadors. This did not mean a break in diplomatic relations, and Franco would have all the advantages of diplomatic recourse offered by the legations, but he would have to deal through a minor official, probably an attaché or a chargé d'affairs. The resolution also accepted the findings of the sub-committee appointed by the Security Council without reservation.

The Political Committee presented the resolution to the General Assembly on December 12, 1946. At once the debate began all over again, but the enemies of Franco were convinced that the resolution would be adopted. Nieto del Rio of Chile argued that the resolution was not all that could be hoped for, but at least it was a step in the right direction. Moreover, the Spanish people would surely welcome this document as evidence that the majority of the members of the United Nations "support

them in their fervent desire for freedom."⁸ He also severely criticized those members of the United Nations who had attacked the resolution as a violation of the principle of non-intervention and challenged them to produce a valid argument proving that the resolution would be a violation of the non-intervention clause of the Charter. Perhaps del Rio considered the Security Council's "Special Sub-Committee on the Spanish Question" (which had declared the situation caused by the Franco regime in Spain to be one "essentially not within the domestic control" of Spain) to be the highest legal authority on the subject. The resolution was also defended by Leon Jouhaux of France who pointed out that it was not an act by the United Nations, but merely an act of sovereignty by the individual nations at the recommendation, not the command, of the United Nations.

These views were not shared by Alfonso Lopez of Colombia, who said that the United Nations could hardly impose sanctions on Spain with the backing of such a small majority (the majority which passed the resolution in the committee where only a simple majority of the members voting was needed might not be enough to pass the resolution

⁸ United Nations General Assembly Official Records, Plenary Meetings, Second Part, Second Session, October-December, 1946, 1166.

in the General Assembly where a two-thirds majority of the members present and voting was needed). He expressed his fear that the United Nations "was fast violating" the principles of the Charter and thought that the time had come to "fix limits, provide for exceptions so that we may organize the world according to the principles of the Charter."⁹ He wondered if "this intervention" would not lead eventually to a demand that member nations alter their domestic laws to suit the majority of the Assembly. (He considered that this resolution meant that the United Nations was trying to force a change in the domestic law of Spain at the request of the majority in the General Assembly.)

Lopez came closer to expressing the most logical argument against any action by the United Nations on the Spanish question than any speaker since the question had been introduced when he said:

Today we are dealing with Spain. But Spain is not the only country in which all the fundamental freedoms are not respected; nor is it the only one to which an invitation might be extended to change its government and revise institutions and political practices in the manner desired by a majority of the United Nations. We are in the act of imposing on a state which does not yet belong to our organization, standards of political life which are not yet fully applied in several of the member countries.¹⁰

⁹ Ibid., 1172.

¹⁰ Ibid., 1172.

He concluded by remarking that he was not defending the policy of non-intervention, but he wanted to know just what path the United Nations intended to follow. If it were to be a policy of intervention, the Charter should be changed to permit this policy.

The attack upon the resolution was then taken up by Castro of El Salvador. He accused President Spaak of the General Assembly of restricting the debate in such a manner that it tended to favor the supporters of the resolution. This accusation was denied by Spaak, and the members of the Assembly expressed their confidence in his fairness and impartiality. The arguments against the resolution were reviewed by Castro, who divided them into five classifications. First, the consequences of the isolation to which Spain would be condemned would not affect the government of Spain, but they would cause the Spanish people to suffer needlessly. Second, the only possible effect on the government of Spain would be to bring the Spanish people to such a state of despair that they would try to depose the Franco regime by the means of a bloody civil war. Third, while the resolution was being discussed and when there was absolutely no foreign interference in the affairs of Spain, now was the time to permit the Spanish people to decide for themselves without outside help what kind of govern-

ment they wanted. Fourth, the imposition of diplomatic sanctions against Spain would be intervention in a matter which according to the Charter of the United Nations belonged within the internal jurisdiction of Spain. Fifth, if the resolution were passed by the General Assembly, it would constitute an invasion of the powers of the Security Council, which alone had the right to call for coercive measures. These arguments were presented by various other nations, but the most vigorous attack against the resolution was the denunciation by Castro.

The speeches by del Rio of Chile, Lopez of Colombia, and Castro of El Salvador contained the most important of the arguments for and against the resolution which recommended that the members of the United Nations recall their ambassadors from Madrid.

There were two important legal questions raised by the debate. What were the rights and duties of member states of the United Nations? And was it the duty of a member state to follow the recommendation of the General Assembly? The subsequent action by the members seemed to show that the states did not have to follow the recommendations of the United Nations.

President Spaak managed to limit the debate on the resolution and finally put it to vote. The roll call vote showed that the measure had been adopted with thirty-four

in favor of the resolution, and six against, with thirteen abstentions.¹¹ Those nations voting for the resolution were:

Australia	Luxembourg
Belgium	Mexico
Bolivia	New Zealand
Brazil	Nicaragua
Byelorussian Soviet Socialist Republic	Norway
Chile	Panama
China	Philippine Republic
Czechoslovakia	Poland
Denmark	Paraguay
Ethiopia	Sweden
France	Ukrainian Soviet Socialist Republic
Guatemala	United Kingdom
Haiti	Uruguay
Iceland	United States
India	Union of Soviet Socialist Republics
Iran	Venezuela
Liberia	Yugoslavia

Those nations voting against the resolution were:

Argentina	Ecuador
Costa Rica	El Salvador
Dominican Republic	Peru

Those nations abstaining were:

Afghanistan	Honduras
Canada	The Netherlands
Colombia	Saudi Arabia
Cuba	Syria
Egypt	Turkey
Greece	Union of South Africa

The adoption of the resolution showed that a majority of the members of the United Nations favored action on the Spanish question. The action promised by the resolution,

¹¹ Ibid., 1208.

however, would not (it seemed probable) effect the Franco regime any more than the previous condemnations (Potsdam, San Francisco, and the Three Power Joint Declaration.)

The resolution was more important in revealing that the members of the United Nations could still reach an agreement on an important question. The adoption of the resolution was a victory for the enemies of Franco in the United Nations. It did not promise to remove Franco from Spain, but at least it was a step in that direction, and it left the responsibility for the Spanish question to the Security Council. Lange of Poland must be given the "credit" for the resolution. He introduced it before the Security Council, was a member of every drafting committee, of the First Committee on Political Questions, introduced the resolution to the General Assembly, and gave his support to the resolution at every opportunity, both within the United Nations and behind the scenes.

Resolution "39(I)" as it was officially known, which recommended that the members of the United Nations recall their diplomatic representatives from Madrid, was the high point in the United Nations campaign against Franco Spain. The western Allies and their followers in the United Nations, despite their doubts of the efficacy of the resolution, voted for it in an effort to achieve unanimity in the General Assembly. Resolution 39(I) was the last proposal on the

Spanish question which found the western Allies and the Soviet Union voting together.

Chapter V. The Failure of The General Assembly Resolution

Supporters of the United Nations awaited the outcome of the Assembly's recommendation for an immediate recall of ambassadors and ministers accredited to Madrid. The big question was whether the nations whose delegates in the United Nations had fought and voted against the resolution would comply with its provisions. It was a test of the effectiveness of the new world organization, for if the members of the United Nations refused to follow the recommendations of the General Assembly, then the prestige of the United Nations would suffer, and it would seem to be following in the footsteps of the League. The effectiveness of the resolution was not officially known until the publication of the "Report of the Secretary-General on the Work of the Organization" in July, 1947.

Immediately after the resolution had been passed by the General Assembly, the Secretary-General had sent a circular telegram on December 20, 1946 to all member nations requesting that they inform him of the action they were taking in accordance with the resolution.¹ By July, 1947, he had received fifty-five replies. These were divided into six classifications:

(1) Three states (El Salvador, the United Kingdom, and The Netherlands) had recalled their diplomatic repre-

¹ Official Records of the United Nations, Annual Report of the Secretary-General on the Work of the Organization, 1947, 3.

sentatives in Madrid immediately following adoption of the resolution by the Assembly.

(2) Nineteen states (Brazil, Belgium, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, France, Greece, Nicaragua, Norway, Paraguay, Peru, Sweden, Turkey, the United States, and Uruguay) had no ambassadors or ministers accredited to Madrid at the time of the adoption of the resolution: their legations had been in charge of minor officials.

(3) The largest classification was that group of states (Afghanistan, Australia, Bolivia, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Lebanon, Luxembourg, Mexico, New Zealand, Panama, Poland, the Philippine Republic, Saudi Arabia, Siam, Syria, Union of South Africa, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia) which had had no diplomatic relations of any kind at the time of the adoption of the resolution.²

(4) Liberia assured the United Nations that it would adhere to the resolution, but at present its minister was still in Madrid.

(5) The Dominican Republic informed the United

² Ibid., 3.

Nations that it had not decided what to do about the resolution but assured the Secretary-General that he "would be the first to know."³

(8) The one state which did not comply with the recommendation of the General Assembly was Argentina. The Argentine government had simply acknowledged receipt of the communication, but it was later revealed that it had not only refused to recall its ambassador from Madrid, but had even sent a new ambassador, an action distinctly contrary to the United Nations recommendation.

The resolution adopted by the General Assembly also had excluded Franco Spain from membership in the specialized agencies of the United Nations, and these agencies were complying with the resolution completely. In July, 1947, at the time of the Secretary-General's report, the Economic and Social Council had excluded Franco Spain from participation in any of the commissions of the Council. For instance, the Social Commission had refused to consult with any agency maintaining relations with Spain, and the Economic and Social Council approved this decision at its fourth meeting.⁴

In line with the General Assembly resolution, the Economic and Social Council resolved that "international

³ Ibid., 3.

⁴ Yearbook of the United Nations, 1947, 344.

non-governmental organizations, the policies of which are controlled by the Franco Government, cannot be considered for consultative status."⁵ The Council concluded that international non-governmental organizations should be eligible for "consultative status" if:

(1) They had only individual representatives in Spain which were not organized into a legally constituted "Spanish branch;"

(2) There were such legally constituted branches in Spain, and if they had a purely humanitarian character and their policies were not controlled and determined by the Franco Government.⁶

The question of Franco Spain also arose in connection with the transfer to the United Nations of the powers exercised by the League of Nations under the agreements on narcotics. The Economic and Social Council invited all non-members except Franco Spain to become parties to the new protocol.

Thus, the results of the resolution were better than had been expected, with only Argentina refusing to comply with the recommendation of the General Assembly to recall its diplomatic representative from Madrid. Pro-Franco El Salvador, on the other hand, recalled its min-

⁵ Ibid., 345.

⁶ Ibid., 347.

ister from Madrid after having fought against the adoption of the resolution. Even though the members of the United Nations who had not been in favor of the resolution still held the same views that they had expressed in the General Assembly, they complied with the terms of the resolution because they wished to support the United Nations and not because they approved of the resolution. (The resolution had recommended that those members who had diplomatic representatives in Madrid recall them. It requested nothing from those members who had no ministers in Spain. In a sense, however, these members were complying with the resolution. Certainly, they took no action to establish relations with the Franco Government.)

Three months later, in November, 1947, the Spanish question was again brought up in the General Assembly. The last paragraph of the General Assembly resolution adopted on December 12, 1946, had stated that if within a "reasonable time" a new government in Spain had not been established acceptable to the United Nations, the Security Council would "consider the adequate measures to be taken to remedy the situation."⁷ Almost a year had passed, and still Franco was supreme in Spain. The Security Council had failed to take "adequate measures"

⁷ See Chapter IV, page 64.

to remedy the situation in Spain, and so the question was brought up in the General Assembly by Lange of Poland.

The Spanish question was referred to the First Committee on Political Questions which discussed the matter at its 103rd meeting on November 10, 1947. The first speaker was Arturo Despradel of the Dominican Republic who reminded the committee that his government had always opposed the resolution because it constituted intervention in Spanish affairs.

Lange of Poland protested that Despradel had misinterpreted the facts. He requested that the United Nations follow up the resolution calling for a recall of ministers from Spain by adopting economic sanctions against the Franco regime and submitted a draft resolution which read:

The General Assembly,

Reaffirming again its resolution 39 (I) of December 12, 1946, concerning relations of Member states of the United Nations with Spain,

Recommends to the Security Council that it consider within a month the Spanish question and that it take adequate measures in conformity with Article 41 of the Charter, in order to remedy the present situation according to the resolution of December 12, 1946.⁸

⁸ United Nations Official Records of the General Assembly, Records of the First Committee, 1st Part, Second Session, November, 1947, Annex 20-A, No. A/CI/259, 620.

The Polish delegate hoped that the adoption of the resolution would lead to the application of economic sanctions against Franco Spain. Lange was supported in this view by Stolk of Venezuela and Masaryk of Czechoslovakia who also called for stronger measures to be taken by the General Assembly. They declared that they would vote for any measure which would lead to the establishment of "true liberty" in Spain.⁹

The opposition to Lange's resolution was led by the delegations of The Netherlands, Belgium, and Canada. Van Roijen of The Netherlands said that it would be useless to adopt resolutions which appeared on the surface to condemn the Franco regime in Spain but which in reality were of "doubtful constitutionality and which might strengthen the Franco regime."¹⁰ He said that the resolution of December 12, 1946, had actually strengthened Franco by rallying to him certain groups of Spaniards who objected to what they considered as foreign interference in the affairs of their country.

Van Roijen was supported by Sir Zafrullah Khan of Pakistan who questioned the jurisdiction that the United Nations had already assumed in its dealings with Franco Spain. He thought that the imposition of sanctions as

⁹ Ibid., 405.

¹⁰ Ibid., 406.

called for in Article 41 of the Charter might someday commit the United Nations to aggressive action by the majority vote of the General Assembly. This was another way of saying that the resolution of December 12, 1946, amounted to direct intervention in the internal affairs of a country in violation of the Charter.

This same line of reasoning was followed by the delegate from Peru who claimed that "the actions of a state, not the dialectics of a third party," could provide the only grounds for justified action by the United Nations.¹¹ Vyorja Lakshmi Pandit of India declared that a wider issue than the welfare of the Spanish people and the election of a government satisfactory to the United Nations was involved. She pointed out that the resolution of December 12, 1946, had been ineffective as far as changing the regime in Spain was concerned and that it had imperiled the prestige of the United Nations.¹²

It was clear from the discussions that many of the members of the committee considered that the imposition of economic sanctions was too severe. However, some of the members believed that some action should be taken on the Spanish question, so a joint resolution was presented by Belgium, The Netherlands, and Luxembourg. The

¹¹ Ibid., 407.

¹² Ibid., 408.

resolution, known as the Bendux resolution, declared that:

The General Assembly,

Takes note of the Secretary-General's annual report dealing with the relations of members of the United Nations with Spain, and notes the measures taken by virtue of resolution 39 (I) regarding such relations adopted by the General Assembly on December 12, 1946;

Regrets that the recommendation inviting all Members of the United Nations to recall their ambassadors and ministers plenipotentiary from Madrid immediately has not been fully applied;

Expresses its confidence that the Security Council will exercise its responsibilities for the maintenance of international peace and security as soon as the Spanish question shall require the adoption of such measures.¹³

This resolution did not recommend any action on the Spanish question. It merely expressed the "hope" of the General Assembly that the Security Council would do its duty if the occasion should ever arise. It did not recommend that the Security Council take action on the Spanish question even in the future, unless the Security Council deemed it necessary.

The Benelux draft resolution was followed by a resolution drawn up by the delegations of Mexico, Cuba, Guatemala, Panama, and Uruguay. It was introduced by the Mexican delegate who wanted the General Assembly to refrain from passing any

13

Ibid., Annex 20-C, No. A/CI/261, 626.

measure stronger than the resolution of December 12, 1946. The resolution merely affirmed this declaration, and read:

The General Assembly,

Reaffirms its resolution 39(I) adopted on December 12, 1946, concerning relations of Members of the United Nations with Spain, and

Expresses its confidence that the Security Council will exercise its responsibilities under the Charter should it consider that the situation in Spain so requires.¹⁴

The United States delegate, supporting the Latin-American and Benelux resolutions, affirmed that the United States would oppose any proposal which might cause violence, or impose undue hardship on the Spanish people, or which might give rise "to endless repercussions."¹⁵ The United States was supported by the Indian delegate, who also warned against any strong measures.

Just the opposite view was held by the members of the Soviet bloc. Gromyko of the Soviet Union made the strongest speech yet heard on the Spanish question. He recapitulated the whole history of the Spanish affair, stressing the part played by the United States and the United Kingdom. He directly accused the United States and the United Kingdom of protecting Franco in the United

¹⁴

Ibid., Annex 20-B, No. A/CI/260, 626

¹⁵ Ibid., 412.

Nations. He said, in part:

The volume of trade between those countries and Spain had increased considerably. Spain had been granted large credits, especially by Argentina. British and American capital controlled a number of industries in Spain; no attempt was made to hide their economic relations: on the contrary the countries in question sought justification in the fact that it would be difficult for them to do without their business relations in Spain.¹⁶

It was evident from the debate that neither the Benelux nor the Latin-American resolution would receive the necessary two-thirds vote. A dangerous split in the committee was averted when Cuba and France proposed the selection of a sub-committee to find a resolution acceptable to a majority. The committee approved this proposal by twenty-three votes to seventeen, with eleven abstentions, and the chairman appointed the delegates of Belgium, Cuba, Mexico, Guatemala, India, Luxembourg, The Netherlands, Panama, Poland, Uruguay, and Yugoslavia to serve on the sub-committee.¹⁷

The sub-committee, or drafting committee, did not take long to reach an agreement on a draft resolution. This resolution was presented on behalf of the sub-committee by the delegate from Cuba on November 12, 1947, and read as

¹⁶ Ibid., 412

¹⁷ Ibid., 413

follows:

Whereas the Secretary-General in his annual report has informed the General Assembly of the steps taken by the Member states of the Organization in pursuance of its recommendation of December 12, 1946;

The General Assembly,

Reaffirms its resolution 39(I) adopted on December 12, 1946 concerning relations of Members of the United Nations with Spain and,

Expresses its confidence that the Security Council will exercise its responsibilities under the Charter as soon as it considers that the situation so implies.¹⁸

After the resolution had been read to the committee, the Argentine delegate expressed his thanks "on behalf of the Spanish people" that the Polish resolution calling for the adoption of economic sanctions had been withdrawn.¹⁹ Before the resolution was put to a vote, the delegates made their customary speeches explaining how they would vote and without exception held the same views that they had before the drafting of the resolution.

After the last of the explanatory speeches, the chairman called for a roll-call vote, paragraph by paragraph, on the resolution proposed by the drafting committee. The entire resolution was adopted by the Political Committee with twenty-nine countries voting for, six against, and

¹⁸ Ibid., 612

¹⁹ Ibid., 422

twenty abstaining.

Those countries voting for the resolution were:

Belgium	Iran
Byelorussian Soviet	Liberia
Socialist Republic	Luxembourg
Chile	Mexico
China	New Zealand
Cuba	Norway
Czechoslovakia	Panama
Denmark	Poland
Ecuador	Sweden
Ethiopia	Union of Soviet
France	Socialist Republics
Guatemala	United Kingdom
Haiti	Uruguay
Iceland	Venezuela
India	Yugoslavia

The six countries voting against the resolution were:

Argentina	El Salvador
Costa Rica	Paraguay
Dominican Republic	Peru

Those countries abstaining were:

Australia	The Netherlands
Bolivia	Nicaragua
Brazil	Pakistan
Canada	Philippine Republic
Colombia	Saudi Arabia
Egypt	Syria
Greece	Turkey
Honduras	Union of South Africa
Iraq	United States
Lebanon	Yemen

The significant result of the vote was noticed by Gromyko of the Soviet Union in expressing his regret that the United States, after voting for the resolution in 1946, refused to re-affirm it in 1947. Thus the United States was separating itself more and more from the Soviet policy

dedicated to deposing Franco in Spain. The Soviets accused the United States of protecting the American dollar in Spain and of sacrificing its ideals of freedom to achieve this protection. A likelier reason was that world events were dividing these former allies, and the United States was reluctant to help the Soviet Union destroy a potential ally. Events in 1950 and 1951 seem to prove that the United States would like Franco Spain for its ally. (In 1950 the Republican leaders advised the inclusion of Spain in the Atlantic Pact; in March, 1951, Congress voted to include Spain in the Atlantic Pact; and in June, 1951, the Democrats recommended the inclusion of Spain in the Atlantic Pact.)

The Political Committee sent its report, with the resolution reaffirming the December 12, 1946, resolution, to the General Assembly. The Assembly immediately placed the Spanish question on its agenda, and on November 17, 1947, the president called for the Rapporteur to present his report.²⁰ The Rapporteur, Kaufman of Denmark, read the resolution proposed by the Political Committee. Since there had already been extensive debate on the matter in the committee, the number of speakers was limited. The major-

²⁰ United Nations Official Records of the General Assembly, 2nd Session, Plenary Meetings, Vol. II, November 13-29, 1947, 1080.

ity of the speeches made were similar to those delivered in the Political Committee.

Kislev, of the Byelorussian Soviet Socialist Republic, accused the United States and the United Kingdom of failing to cooperate in removing the vestiges of Nazism from Europe. The declarations of the three great powers of the anti-Hitler coalition had indicated their intention of stamping out the remains of fascism in the world, but according to Kislev, the reactionary forces of the world were delaying this purge by giving every possible support to the fascist regimes in Spain, Portugal, and Greece. The Spanish problem was closely linked to the German problem, and he claimed that the western zones of Germany had not been purged of Nazis. The Nazi party was recovering from the first shock of defeat, and:

the monopolistic organizations which have supported the Hitlerite regime and inspired its aggression have not only not been liquidated, but are even being supported by the United States and the United Kingdom authorities. A number of Nazis can still be found in responsible economic and administrative posts. We know from the Press that German reaction, with the support of reactionary forces in Great Britain and the United States is trying to gather its forces.²¹

He maintained that this policy of the western powers in

²¹ Ibid., 1087.

Germany had had its effect in Spain, and that the United States and Great Britain were actually protecting Franco. Kislev concluded his speech with a plea to the Assembly to strengthen its action by adopting economic sanctions against Franco.

Neither the United States nor the United Kingdom delegates replied to Kislev's accusations, and the president of the Assembly was able to call for a vote, paragraph by paragraph. When the vote was completed, it showed that the second paragraph, the important section which reaffirmed the resolution calling for a recall of diplomatic representatives, had failed to pass. The first paragraph, which merely acknowledged the Secretary-General's report, was not even voted on. The third paragraph, which expressed the confidence of the General Assembly in the Security Council, was easily adopted. Those countries which had refused to vote for the resolution included:²²

Argentina
Australia
Brazil
Canada
Costa Rica
Dominican Republic
El Salvador
Greece

Honduras
The Netherlands
Nicaragua
Peru
Philippine Republic
Turkey
Union of South Africa
United States
of America

²² Ibid., 1096

Despite this defeat, the Polish delegate still considered that the recommendation of December 12, 1946, was in force, and he was supported by a number of other delegates. This caused the representative from Argentina to:

point out that events have shown that here it is not a matter of promoting international peace and security but simply a matter of politics, otherwise how could it happen that when this Assembly refuses to re-affirm the resolution adopted last year with respect to the Charter, there are still representatives²³ who consider that that resolution still stands.

The resolution of December, 1946 was gradually losing its effectiveness. It had received the acceptance of all but one of the fifty-five nations in December, 1946. Now the United Nations, one year later, refused to re-affirm it. However this refusal was nothing more than a moral repudiation of the resolution, and the resolution was still binding (if a recommendation can be considered as binding). Even the countries that had voted against the re-affirmation did not send ambassadors to Madrid (with the exception of El Salvador). There was no time limit in the resolution, nor was there any stipulation that it had to be re-affirmed. The Polish delegate was probably correct in his contention that it was still in force. But the force of the resolution was lessened considerably, and since the re-

²³ Ibid., 1098

resolution in the first place had been only a recommendation, it now seemed likely that some nations would no longer follow it.

The United States voted for the resolution as a whole after the section which would have re-affirmed the December 12 resolution had been rejected. But it was evident that the split between the Allies and the Soviet Union had made the United States wary of voting for any measures against Franco, and it was becoming bolder in its efforts to protect this potential ally. Whether the forces of reaction were gathering their strength, as the Soviet Union claimed, or whether a number of other countries shared the United States view that the Soviet Union was fast becoming a worse menace than Franco, the number of countries opposing the adoption of harsh measures against Franco was increasing. Would the members of the United Nations comply with the resolution of December 12, 1946 after the General Assembly had refused to re-affirm it?

Chapter VI. Franco gets a Pardon

In November, 1947, the United Nations failed to re-affirm the December 12, 1946, resolution recommending a "break" in diplomatic relations with Franco Spain. The failure to re-affirm the resolution was taken by some of the members to mean a revocation of it, and El Salvador accredited a minister to Madrid.

As a result, a situation was created which put some of the member nations which had not sent diplomatic representatives to Spain in a disadvantageous position, since they had no representatives in Madrid to look after their interests. There were two main points of view on how to remedy the situation. One faction, led by the Soviet Union, wanted to adopt a resolution strong enough to leave no doubt in the minds of the member states of the United Nations as to what course they should pursue in regards to Spain. The other group, led by the United States, wanted a resolution passed by the United Nations which would allow the members themselves decide what relations they should have with the Franco regime.

Both sides, as a result of this situation, wanted the Spanish question to be re-introduced in the General Assembly. It was re-introduced at the 140th Plenary Meeting, on September 24, 1948, by the Polish delegate, Lange, who asked the Assembly to remedy the situation in Spain by

adopting a resolution strong enough to bring about the collapse of the Franco regime. The General Assembly referred the matter to the First Committee on Political and Security Questions, along with all the previous resolutions adopted by the United Nations on the Spanish question.

Because of a full agenda, the committee did not take up the question until its 256th meeting on May 4, 1949. Julnisy Katz-Suchy of Poland introduced the problem by reminding the members of the history of the Spanish question in the United Nations and reviewing the December 12, 1946, resolution recommending a recall of ambassadors and ministers from Madrid. He recapitulated the record of the Franco regime and claimed that the United States and the United Kingdom wanted Spain admitted to the United Nations. The United States economic ascendancy in Spain and the military missions of the United States in Spain were cited by the Polish delegate as examples of the attempt made by the United States to sustain the Franco regime. He quoted several American newspaper articles which stated that the United States should settle the Spanish question to its advantage. The Washington Sunday Star, he said, stated that the enemy was not Franco Spain but the U.S.S.R., and that the latter should not be permitted to stop the United States from settling the Spanish question to its own advantage, and not as the Soviet Union dictated in the United

Nations.¹

Katz-Suchy maintained that the United States was doing everything in its power to have the December 12, 1946, resolution revoked, and he pointed out that the United States had re-established normal financial relations with Franco by unfreezing \$59,000,000 worth of Spanish assets in the United States. He claimed that the attitude of the western democracies was helping to keep Franco in power, and he pleaded with the committee to follow its own conscience and not the dictates of the United States. There were two questions to answer, he said. (1) Had any of the basic features of the Franco regime disappeared? (2) Why had the United Nations failed to help the Spanish people set up a democratic government and become eligible for membership? He stated that the answer to both questions was that the United Nations had been too weak in its dealings with Spain, and he asked the Committee to adopt a resolution which would place the United Nations on the side of democracy and not fascism.

Jaaco Carlos Munniz of Brazil, arguing that the December 12 resolution calling for a "break" in diplomatic relations had not been re-affirmed in 1947, said that some

¹ United Nations Official Records of the General Assembly, Records of the First Committee, May 4, 1949, 2.

of the members had taken this action to mean a revocation of the resolution. He submitted a draft resolution on the behalf of Bolivia, Colombia, Peru, and his own country which he hoped would remedy the situation. The resolution read as follows:

The General Assembly,

Considering that, during its second session in 1947, a proposal intended to confirm the resolution of December 12, 1946, on the political regime in power in Spain failed to obtain the approval of two-thirds of the votes cast;

Considering that certain governments have interpreted the negative vote of 1947 as virtually revoking the clause in the previous resolution which recommended the withdrawal of heads of mission with the rank of ambassador or minister plenipotentiary accredited to the Spanish Government;

Considering that, in view of the doubt regarding the validity of this interpretation, other governments have continued to refrain from accrediting heads of mission to Madrid, thereby creating inequality to their disadvantage;

Considering that such confusion may diminish the prestige of the United Nations which all Members of the Organization have a particular interest in preserving;

Considering that in any event the 1946 resolution does not prescribe the breaking of political and economic relations with the Spanish Government which have been the subject of bilateral agreements, are between the governments of several Member States and the Madrid Government;

Considering that in the negotiation of such agreements, governments which have complied with the recommendation of December 12, 1946, are placed in a position of inequality which works to the disadvantage of economically

weaker governments;

DECIDES, without prejudice to the declarations contained in the resolution of December 12, 1946, to leave Member states full freedom of action as regards their diplomatic relations with Spain.²

Munniz was supported in his contentions by the delegate from Peru, Belaunde, who also based his argument on the principle of non-intervention. But after contending that the December 12, 1946, resolution had been a failure, Belaunde was assailed by the Polish delegate, who replied:

for the first time in the history of the United Nations, a plea for fascism, murder and terror has been heard. A Government which has the death of thousands on its conscience has been praised by the representative from Peru, who had not taken any part in the war in which Franco Spain had contributed to the sufferings of Europe.³

Belaunde protested against the accusation which the Polish delegate had made. In no way, he asserted, had Peru approved of the Franco regime, but he asked:

could it not be retorted that millions of persons have also perished as victims of injustice in other parts of the world?⁴

The debate was waxing hot and heavy between these two delegations when the meeting adjourned, and by the time the committee reconvened on May 5, 1949, tempers had somewhat cooled. The first speaker at this meeting was Arbelaez of

² Ibid., 549.

³ Ibid., 177.

⁴ Ibid., 178.

of Colombia who pleaded for the adoption of the join resolution allowing the members freedom of action as far as Spain was concerned on the grounds that the December 12, 1946, resolution constituted intervention in the domestic affairs of Spain.⁵

He was followed by the Polish delegate who announced that he was going to introduce his own resolution because the joint resolution introduced by Brazil was much too weak. Lange claimed that his resolution would lead to the overthrow of the Mussolini-Hitler-imposed government in Spain. He alleged that the joint resolution introduced by Brazil at long last brought out into the open the long hidden desire to admit Franco Spain to the United Nations.⁶ Also, he expressed hope that the General Assembly would adopt the Polish resolution which stated that:

The General Assembly;

Recommends that all members of the United Nations should as a first step cease to export to Spain arms and amunition as well as all warlike and strategic material;

Recommends that all members of the United Nations should refrain from entering into any agreements or treaties with Franco Spain both formally and de facto.⁷

Gromyko of the Soviet Union who spoke in favor of the

⁵ Ibid., 547.

⁶ Ibid., 548.

⁷ Ibid., 549.

Polish resolution, recalled that the problem of relations with Franco Spain had been under discussion since the organization had been founded. He reviewed the history of the Spanish question and stated that it was owing to the efforts of the United States and the United Kingdom that the Assembly's resolution had not been implemented and that these two countries had only supported the 1946 resolution to satisfy public opinion. He claimed that the real attitude of these two governments now was quite different and that the United States support of the Franco Government was taking the form of political, economic, and financial aid. He recounted his version of United States-Spanish financial relations after the war and accused the United States of supporting Franco by sending raw materials to Spain.⁸

Gromyko, in accusing the United States of bolstering its trade relations with Spain, also asserted that it was a purpose of the United States government to utilize Spain as a military base "in the war that is being hatched against the Union of Soviet Socialist Republics."⁹ Gromyko further claimed that the policy of governing circles in the United States and the United Kingdom was to support the Spanish government and to encourage the fascist clique in Spain

⁸ Ibid., 197.

⁹ Ibid., 198.

and Germany which already were asking for admission to the "western European union" (North Atlantic Pact). The Soviet delegate believed that it was the Assembly's responsibility "to seek ways and means to re-establish democracy in Spain so that the Spanish people might eventually find a worthy place in the United Nations;"¹⁰ (This was a departure from Soviet policy of the summer of 1946 when the Soviet Union believed that such was the responsibility of the Security Council.)

The other members of the Soviet bloc followed the same line of argument, claiming that the Franco regime was being protected by the Anglo-American countries. Hoffmeister of Czechoslovakia, Kislev of the Byelorussian Soviet Socialist Republic, Tarasenko of the Ukrainian Soviet Socialist Republic, and Katz-Suchy of Poland all claimed that the United States was plotting a war against the Soviet Union and that the United States had concluded military and economic agreements with Spain as a part of this plot. But while they presented no proof of these contentions, they urged the United Nations to do something about the Franco regime in spite of the United States.¹¹

The Polish resolution was also supported by France and Mexico, but their arguments differed from those of the

¹⁰ Ibid., 201.

¹¹ Ibid., 238.

Soviet Union. They were more prone to anti-Franco pressure in their home countries than most of the members. Mexico was sensitive to public opinion, because Mexico City was the meeting place of and a haven for the exiled Spanish Communist Party and the Republican government. France was influenced by the strong, politically powerful labor unions in France which were constantly pressing upon the government the necessity of opposing the Franco regime.

The opposition to the Polish resolution was headed by the United States and the United Kingdom delegates. This opposition group believed that complete freedom of action for the member states on the question of diplomatic relations with Spain was of prime importance if the prestige of the United Nations were to be saved. This group included Bolivia, Argentina, Ecuador, India, The Netherlands, Dominican Republic, China, Peru, Colombia, Egypt, El Salvador, and Siam.¹² The delegates of these states still based their opposition on the grounds that the resolution of December 12 recommending a recall of ministers from Spain had been a failure and that it violated the established principles of non-intervention contained in the Charter. Ray Atherton of the United States denied Soviet charges that the United States had

¹² Ibid., 238.

concluded military agreements with Spain, but he did not deny that dismantled equipment of German factories was being shipped to Spain.¹³

When Atherton had finished, the last speaker, Castro of El Salvador, summed up the arguments against the Polish resolution, stating that he was opposed to the resolution because:

- (1) The consequences of the proposal would be especially prejudicial to the Spanish people;
- (2) The proposal might encourage the Spanish people to overthrow their government, thus causing more bloodshed in Spain;
- (3) As there was no evidence of foreign intervention in Spain at that time the Spanish people were in a position to express their desires as they had when they overthrew the Monarchy and established the Republic;
- (4) The collective pressure of the United Nations to bring about a change of government in Spain would constitute an intervention in the domestic affairs of a country, in violation of Article 2, paragraph 7 of the Charter;
- (5) The Polish proposal attempted to confirm resolution 39(I) of 1946, which envisaged the application of coercive measures, would lead the General Assembly to encroach on the powers of the Security Council.¹⁴

Castro was the last of the speakers, and the chairman was able to bring the two proposals, the Polish and the joint Latin-American, to a vote. The Latin-American proposal was voted on first, and adopted by a vote

¹³ Ibid., 200.

¹⁴ Ibid., 238.

of twenty-five to sixteen, with sixteen abstentions.

Those states voting for the proposal were:¹⁵

Argentina	Nicaragua
Bolivia	Pakistan
Brazil	Paraguay
Colombia	Peru
Dominican Republic	Philippine Republic
Ecuador	Saudi Arabia
El Salvador	Siam
Egypt	Syria
Greece	Turkey
Honduras	Union of South Africa
Iraq	Venezuela
Lebanon	Yemen
Liberia	

Those states voting against the resolution were:¹⁶

Australia	Panama
Byelorussian Soviet Social-	Poland
ist Republic	Ukrainian Soviet Social-
Costa Rica	ist Republic
Czechoslovakia	Union of Soviet Social-
Denmark	ist Republics
Mexico	Uruguay
New Zealand	Yugoslavia
Norway	

Those states abstaining were:¹⁷

Afghanistan	Haiti
Belgium	Iceland
Burma	Luxembourg
Canada	The Netherlands
Chile	Sweden
China	United Kingdom
France	United States

After the Latin-American resolution had been adopted, the committee rejected the Polish resolution, thirty-one to

¹⁵ Ibid., 240.

¹⁶ Ibid., 240.

¹⁷ Ibid., 241.

eleven, with sixteen abstentions. Those countries voting for the resolution were:¹⁸

Byelorussian Soviet Socialist
Republic
Czechoslovakia
France
Guatemala
Mexico
Poland
Ukrainian Soviet Socialist
Republic
Union of Soviet Socialist
Republics
Yugoslavia

Those states voting against the resolution were:¹⁹

Argentina	Liberia
Bolivia	Luxembourg
Brazil	Netherlands
Canada	Nicaragua
Colombia	Norway
Denmark	Pakistan
Dominican Republic	Paraguay
Ecuador	Peru
El Salvador	Sweden
Egypt	Syria
Greece	Turkey
Honduras	Union of South Africa
Iceland	United Kingdom
Iraq	United States
Lebanon	

Those states abstaining were:²⁰

Afghanistan	Cuba
Australia	Ethiopia
Burma	Haiti
Chile	India
Costa Rica	Iran

¹⁸ Ibid., 241.

¹⁹ Ibid., 241.

²⁰ Ibid., 240.

New Zealand	Siam
Philippine Republic	Uruguay
Saudi Arabia	Venezuela

From the First Committee, the Latin-American resolution was presented to the Assembly on May 11, 1949. The question was not opened for discussion at that time, but the rapporteur, Selim Saiper of Turkey, read the resolution. On May 18, 1949, the Assembly discussed the resolution, and the delegates in the Assembly expressed the same views on the Latin-American proposal as they had in the Political Committee. When the measure came up for a vote, the states grouped themselves as they had in the committee, with twenty-six voting for the resolution, fifteen against, and sixteen abstaining. This vote had been enough to pass the resolution in the Political Committee where only a simple majority vote was needed but the resolution was defeated in the Assembly, because it did not receive the votes of at least two-thirds of the members (abstentions are counted as negative votes). Nevertheless, the fact that it received the votes of the majority of the members of the United Nations was interpreted by many delegations to mean a revocation of the December 12, 1946 resolution.²¹

Many members thought that this would be the end of the Spanish question, but it was not. On Tuesday, Septem-

²¹ Ibid., 248.

ber 19, 1950, the question of relations of member states of the United Nations with Spain was placed on the Supplementary List of Items for the Agenda of the Fifth Session.²² It was placed on this list at the request of the delegate of the Dominican Republic who claimed that new evidence showed that the members of the United Nations should have complete freedom of action in regard to diplomatic relations with Spain. This meant that the question would come up for discussion before the Ad Hoc Political Committee. This committee placed the question on its agenda on October 28, 1950, and it was discussed at six meetings. The arguments for a change in the December 12, 1946, resolution were the same as they had always been. They were best expressed by Secretary Acheson who claimed that the withdrawal of ambassadors from Spain as a means of political pressure was a departure from established principle. He stated that it was traditional practice, once a state was formally recognized, to exchange ambassadors without political significance. Said Acheson:

At the Ninth International Conference of American States in Bogota, this principle was incorporated in Resolution 35 which states in part that "the establishment or maintenance of diplomatic relations with a government does not imply any judgment upon the domestic policy of that government." However, the withdrawal of ambassadors from Spain

²² "Supplementary Agenda of the Fifth Session", Journal of the United Nations, September 19, 1950, 4.

disregarded this principle. By attaching moral significance to the refusal to maintain full diplomatic relations with Spain, this action has also implied moral significance to the maintenance of full diplomatic relations to confusion in public opinion both here and abroad. Public bewilderment has been increased over the inconsistency of accrediting ambassadors to such countries as those in Eastern Europe whose regimes we do not condone, while at the same time refusing to appoint an ambassador to Spain.²³

Other delegations were of the same opinion. To accomplish their goal (a change in the December 12, 1946, resolution) Bolivia, Costa Rica, the Dominican Republic, El Salvador, Honduras, Nicaragua, the Philippine Republic, and Peru submitted a draft resolution.

The Soviet bloc delegates opposed this resolution for the same reasons they had opposed the joint Latin-American resolution of 1949, again accusing the United States of protecting Franco and even of concluding military agreements with Spain. This time the United States delegation vigorously denied all Soviet charges. Fabregat of Uruguay also disagreed with Acheson. He announced that he would not support the resolution, because if it were passed by the General Assembly, Franco would count "this approval as one of his greatest victories."²⁴

²³ "United States Policy toward Spain" Department of State, Press Release, January 19, 1950, No. 54, 3.

²⁴ United Nations Official Records of the General Assembly, Summary records of the Ad Hoc Political Committee, October 28, 1950, 3.

A number of countries that gave their support to the resolution (which was only one paragraph long, allowing members of the United Nations full freedom of action in regards to Spain) took issue with the former United Nations action on the grounds that it had constituted an intervention in the internal affairs of a country. This new resolution would rectify that mistake.²⁵

The resolution was put to a vote on November 1, 1950, and the Ad Hoc Political Committee adopted the resolution by roll call, thirty-seven to ten, with only the members of the Russian bloc and Uruguay, Chile, Mexico, and France voting against the resolution.²⁶ The resolution and the Ad Hoc Political Committee's report were then read to the General Assembly on November 4, 1950, by rapporteur of the Ad Hoc Committee. Rule sixty-seven of the General Assembly allows the president to put to a vote the question "whether the General Assembly considers discussion of the report to be necessary." The president followed this rule, and the Assembly decided that the report and the resolution of the Ad Hoc Political Committee on the Spanish question were not to be discussed, by thirty-three voted to five, with fifteen abstentions.

²⁵ Ibid., 1-8.

²⁶ Ibid., 4.

The resolution proposed by the Committee was then put to a vote and adopted thirty-eight to ten, with twelve abstentions.

Thus, the end came rather quietly, and when the Spanish question appeared in the General Assembly for the last time, the Assembly did not even feel that it was necessary to discuss the recommendations of the Political Committee as it had done so often before. The working part of the 1946 resolution, or as it was officially known resolution 39(I), which in essence recommended that the members recall their ministers and ambassadors from Madrid, was revoked.

Summation and Conclusion

Every great war leaves many problems in its wake, both to the victor and to the vanquished. World War II was no exception, and the Spanish question was one of the most important. It can be called a problem left by the war, because before Hitler invaded Poland, there was little evidence of any concern expressed by the governments of the United States or the United Kingdom whether Franco ruled Spain or not. The United Kingdom, along with France, previously had destroyed all attempts by the Spanish Republican government to solicit aid from the League of Nations during the Spanish Civil War. British ships of the International Naval Patrol, perhaps as the Republican government claimed, had been blinded by the "dense fog of their own stacks" and allowed Mussolini to apply his own interpretation of the League's "Withdrawal Plan," an interpretation which had involved the gathering of the Italian sick from Franco's armies, marching them past the League of Nations "counters," shipping them to Naples, and then shipping fresh troops back overseas to Spanish battlefields. (In 1938 Italy had 110,000 men in Spain, according to the League of Nations "counters" between 30,000 and 40,000 Italians "most of them sickly" had withdrawn, yet in 1939 after the fall of Madrid, there were still over 100,000 Italians in Spain.)

The United States government, undaunted by public opin-

ion, as expressed in resolutions of labor unions, church councils and liberal associations, had contributed to the Franco cause by refusing to recognize either side as a belligerent and by proclaiming the "Neutrality Act" of 1937 which worked to the advantage of the rebel government. This neutrality act had allowed either side to operate on a "cash and carry" basis, and as Franco controlled most of the ports of entry the Republican government largely had been cut off from American supplies.

Soviet Russia which, for its own purposes and not from any altruistic motivation and apparently to thwart German and Italian ambition in Spain, had given its support to the Popular Front government, a government which at the start of the war had not one Communist cabinet member but which was decidedly under the Communist banner at the end of the war. (Soviet Russia had stipulated that all quartermaster corps and all logistic corps had to be under the orders of a communist party member, or no more aid would be shipped from the Soviet Union. Therefore, the communists were able completely to control the Republican government in Spain.)

However, Russian aid had come too late and had been insignificant compared to the men and materials sent by Germany and Italy. Franco thus owed a debt to Hitler for his victory in the Civil War, and Hitler tried to

build this debt into a wartime alliance. From the material submitted by the member states and the investigating committees of the United Nations, there can be little doubt that Hitler succeeded in creating this alliance. (Franco admitted that Spain was a member of the Axis, and Spain had concluded several agreements with Germany that seemed to put Franco on the Axis side.)¹ There is a great deal of evidence to support the contention that Franco was an active member of the conspiracy to wage war against the group of countries now known as the United Nations. (For instance Franco had seized Tangier in 1940 in violation of international statute and had engaged with Germany in planning and training for the joint conquest of Gibraltar.)² According to the sub-committee of the Security Council, which quoted from telegrams of Franco to Hitler, it was part of the plot that Spain should enter the war at the most opportune time.³

The group of nations, now known as the United Nations, alternately has built up and destroyed a strong

¹ United Nations Official Records of the Security Council, Report of the Special Sub-Committee on the Spanish Question, 4. (quoted from a report submitted to the sub-committee from the United States Intelligence Service).

² Ibid., 1-30. (quoted from captured German war documents submitted by the Allies).

³ Ibid., 8.

case against the Franco regime. This case created by the United Nations contained sections which were very strong legally and sections which seemed to have no substantiation whatsoever in international law.

The Spanish question was one of the first questions to be considered by the United Nations. The Panama resolution, recommending that the members of the United Nations use the Potsdam declaration as a guide for their future diplomatic relations with Spain was perfectly compatible with the provisions of the Charter, for it merely excluded Franco Spain from admission to the United Nations. The United Nations can exclude any nation which does not, in its judgement, possess the necessary qualifications for membership.

The adoption of the Panama resolution proved that the western Allies and the Soviet Union were still on fairly good terms in 1945 and that they were in perfect accord about one thing in 1945: that Franco Spain should not become a member of the United Nations. Soviet Russia, however, wanted to do more than merely denounce the Spanish government. But, as the Spanish Embassy claimed, "along came Anglo-American caution," and the issue was postponed.⁴ Because the Allies were afraid of precipitating another

⁴ "Wheels Within Wheels", Diplomatic Information Office of Spain, Spanish Embassy, 1948, 15.

civil war in Spain, they contented themselves with a verbal condemnation of the Franco regime.

In the summer of 1946, the Spanish question was introduced in the Security Council by a member of the Soviet bloc. Oscar Lange of Poland requested the Security Council to examine the situation in Spain under the authority of Article 2, paragraph 6, of the Charter of the United Nations which provides that the United Nations shall insure that states not members of the United Nations shall act in accordance with the principles of the organization. It is not clear what the legal position of this section of the Charter is under the principles of international law. One line of reasoning seems to establish that this paragraph of the Charter does not conform to the established principles of international law, because the Charter, in reality a multi-lateral treaty, binds, like other treaties, the signatory parties.

The Security Council did not question the jurisdiction of the United Nations under the interpretation of Article 2. But it did express a doubt as to whether the United Nations had a legal right to pass a resolution calling for measures similar to those asked for in the Polish resolution. Some delegates believed that United Nations action on the situation in Spain would constitute intervention in a matter essentially domestic, and

the Charter forbids action by the United Nations on any subject within the jurisdiction of an individual state. (It is the opinion of this writer that the basic failure of the United Nations to correct the situation in Spain is to be found in this article. The makers of the Charter, in over a hundred articles, gave the new organization defined powers and then took them all away with this single paragraph.)

In the case of the Polish resolution, jurisdiction was sought under the authority of Articles 34 and 35 which allow the Security Council to deal with any situation threatening international security. The Special Sub-Committee appointed by the Security Council to examine the Spanish situation found that the situation in Spain was "a situation the continuance of which might threaten the maintenance of international peace." Therefore, the sub-committee decided that the Security Council could claim some jurisdiction over the Spanish question. However, the sub-committee held that the measures called for in the Polish resolution under the authority of Articles 40 and 41 would not be legal, since the Franco regime at the moment of proposed action was not a threat to international peace. The sub-committee, therefore, proposed that the Security Council refer the question to the General Assembly, along with the report of the sub-committee. It was believed by the majority of the members

of the Security Council that since the sub-committee proposal recommended the recall of the heads of the diplomatic missions in Madrid, all of the members of the United Nations should have a chance to express their opinion of the proposed action.

The Polish resolution was amended and revised by the Security Council until almost nothing remained of the original proposal. As a result, the only two countries that did not vote for the resolution were Poland and the Soviet Union, and the measure was not adopted. These two countries, Poland and the Soviet Union, were afraid that the General Assembly in acting on the question would gain in prestige and power to the detriment of the Security Council. The Soviet Union wanted the Security Council to make every important decision, because it was possible to control the decisions of the Security Council through the use of the veto. The Soviet Union was not afraid that the General Assembly would pass a resolution favorable to the Franco regime, but that in passing such a resolution a precedent would be set which at some later time might work to the disadvantage of Soviet interests.

However, the Polish delegation later introduced the very measure which enabled the Security Council to delete the question from the list of matters it had under observation, thus making it possible for the General Assembly

to place the Spanish question on its agenda. The Soviet Union had decided that the Security Council would never settle the Spanish question to Soviet satisfaction. Apparently the Soviet Union hoped that the possible loss of power by the Security Council would be more than compensated for by United Nations action in the General Assembly leading to the fall of the Franco regime.

The Polish delegation led the attack on Franco Spain in the Political Committee of the General Assembly, to which it was referred by the Assembly. Poland was a member of the special sub-committee which drafted the well-known resolution 39(I) of December 12, 1946. This resolution recommended that the members of the United Nations recall from Madrid their accredited ambassadors and ministers. It also recommended that Franco Spain be excluded from membership in all the specialized agencies set up by the United Nations.

When some of the delegations referred to resolution 39(I), they commonly interpreted it as calling for a break in diplomatic relations with Spain. This was a false assumption. In recommending that the heads of the diplomatic missions to Spain be recalled, the resolution in no way disrupted the flow of business between the Spanish government and the various embassies. The "McMahon affair" was proof of this contention. It was conducted

in its entirety, without the presence of an American ambassador, by a chargé d'affaires.⁵

This resolution, 39(I), was followed completely by the specialized agencies of the United Nations. But it is possible that the exclusion of Franco Spain from such agencies as the International Civil Aviation Organization and the World Health Organization placed undue hardship on the Spanish people and did no material harm to the Franco regime. It was argued that the resolution as a whole enabled Franco to unite the Spanish people behind him. Franco was able, apparently, to convince many Spaniards who had previously been opposed to him that Resolution 39(I) recommended intervention in the internal affairs of Spain.

The weakness of the resolution, then, was that it did

⁵ The Spanish government withdrew press credentials from Dr. Francis McMahon, a correspondent in Spain for the New York Post. The Spanish foreign minister wrote a note (April 14, 1947) stating that the only reason Dr. McMahon had been permitted to enter Spain in the first place was because the American Embassy had intervened in his favor. He also claimed that during the six months Dr. McMahon had been in Spain he had enjoyed full and complete freedom to circulate throughout Spanish territory and to send in his articles without hindrance. Mr. Phillip Bonsal, the United States chargé d'affaires in Madrid, answered the letter on April 28, 1947, and expressed his regret that the Spanish government had acted the way it had. He also stated that this action by the Spanish government constituted a revocation of the policy of granting to foreign correspondents freedom from control and censorship. The Spanish government reconsidered its action, and fuller freedom was granted to correspondents in Spain.

not go far enough. The members of the United Nations (except the Soviet bloc) hesitated to take more drastic action for fear of bringing to the Spanish people the hardships of another civil war. Also, apparently, the fear of the western Allies that a change in the Spanish government would give the communists a chance to seize power in Spain caused them to support the Franco regime. A western world, perhaps soon to be at war with the Soviet Union could not afford to have the strategic Iberian Peninsula in unsympathetic hands.⁶ Again (as during the Spanish civil war) the two governments were opposed to harsh action. They preferred to pursue a gentler course with Franco, to try to persuade him to adopt democratic methods and institutions as would enable Spain eventually to become a member of the United Nations.

Despite the opposition of some of the members of the United Nations to the resolution 39(I) recommending a recall of ambassadors from Madrid, once the resolution had been adopted, the United Nations did comply with the resolution with the exception of Argentina.⁷ Nevertheless,

⁶ Churchill has pointed out that whoever controls Spain controls the Straits as the importance of Gibraltar and all "pinpoint" bases was decreased with the easy fall of Singapore. The strength today is in depth, and if Europe were overrun, the Pyrenees would be the last barrier.

⁷ At least no nation (except Argentina) accredited a new ambassador to Spain.

more and more of the members opposed the recalling of their ambassadors and ministers. World events were causing the smaller states to swing into the western orbit. Small states traditionally oscillate from one side to the other in an international organization where no neutrality is possible on a vote taken on an important measure. During this "emergency," the small powers, noting the worsening of relations between the Soviet Union and the United States, chose the United States, probably as the lesser of two evils. (In 1950, after the attack on South Korea, ten of the small powers changed their opinions on the Spanish question to conform to the view held by the United States.)

As a result of the growing opposition to the recall resolution, when the sponsors of the resolution attempted to have it re-affirmed in 1947, the majority of the members of the General Assembly voted for a proposal which if it had been adopted would have abrogated the conditions of the recall resolution. Although the measure received the majority of the votes cast, it did not receive the necessary two-thirds to carry it. Nevertheless, because the majority of the members of the Assembly had favored full freedom of action in regard to diplomatic relations with Spain, many of the members were of the opinion that the recall resolution of 1946 had been annulled.

However, according to the rules and procedure of the

General Assembly, the legal status of the recall resolution was quite clear. It remained in force, since no direct action was taken to repeal it. The situation after this failure to re-affirm the resolution in 1947 left some of the members of the United Nations in an awkward position. The members of the United Nations which had recalled their ambassadors from Madrid were left without an official to represent them at state functions, causing a loss of prestige.

In 1949, an attempt was made to remedy this situation by adopting a resolution, called the Latin-American resolution, to permit members of the United Nations full diplomatic freedom with Spain. But the measure failed to receive the necessary two-thirds vote and was not adopted. Even so, this resolution showed that the "conservative" states (conservative in regard to action against Spain) were gaining in strength. It seemed to be only a matter of time until the recall resolution would be revoked.

This assumption was correct, and when the Ad Hoc Political Committee examined the Spanish question in 1950, the members of the committee adopted a resolution recommending that the members of the United Nations be allowed full freedom of action toward Spain. When the committee presented its resolution to the General Assembly, it was not even discussed but was quickly adopted by a roll call

vote.

As a result, the United Nations attitude toward Spain in 1950 was similar to its attitude toward Spain in 1946. In 1950, as in 1946, the official policy of the United Nations prohibited Franco Spain from becoming a member of the United Nations and has condemned the Franco regime, but has done absolutely nothing more to correct the situation in Spain. (The revocation of the 1946 resolution in October, 1950, might even be termed as an "apology" to the Franco regime, or as the delegate from Poland said, "one of his greatest victories.")

In reviewing the Spanish question before the United Nations, several questions present themselves. Did the United Nations pursue a legal course of action in handling the Spanish question? The answer seems to be no. By the terms of the Charter (Article 2, paragraph 7, which states that all members of the United Nations must refrain from interfering in matters that are essentially within the domestic control of a state,) its course of action was not legal. According to Webster, who provides the simplest definition of international intervention:

an intervention is the interference of a state in the affairs of another state for the purpose of compelling the state to forbear doing certain acts or altering the conditions of its domestic affairs irrespective of its will.

This is what the United Nations, or at least some of the

members, wanted to do; to alter the condition of Spain's domestic affairs irrespective of Spain's will. And because the Charter forbids the United Nations to intervene, the measures tried by the United Nations seem to have been illegal.

It was argued by some of the supporters of the United Nations action that practical considerations forced the United Nations to interpret the Charter in a different way. They have argued that the activities of the Franco regime created a threat to international peace, and therefore any action necessary to remedy the situation was legal according to the Charter. This contention would have been true if the activities of the Franco regime did create a threat to the peace, for the primary purpose of the United Nations is to preserve the peace, and the Security Council may take any measures it considers necessary to preserve this peace. However, upon reconsideration, it is found that this premise is not true; the United Nations own "investigation," by its special sub-committee, found that the situation in Spain did not create a threat to international peace. Therefore, the United Nations could not take any action to remedy the situation in Spain.

BIBLIOGRAPHY

BIBLIOGRAPHY

I. Printed Documentary Material:

A. Spanish Government Publications

Aguilar, Jose Manuel, The Law of Nations, Washington, D.C., Spanish Embassy, Office of Cultural Relations, 1949.

Burgarola, Martin, The Recent Social Reforms in Spain, Washington, D.C., Spanish Embassy, Office of Cultural Relations, 1949.

Diplomatic Information Office of Spain, "Consejo de Estado", Madrid, 1950.

Diplomatic Information Office of Spain, "Labor Charter of Spain", Madrid, 1950.

Diplomatic Information Office of Spain, "Law of Succession to the Chief of State", Madrid, 1950.

Diplomatic Information Office of Spain, "Outline of the Spanish Social Insurance Scheme", Madrid, 1947.

Diplomatic Information Office of Spain, "Spain and the Jews", Madrid, 1949.

Diplomatic Information Office of Spain, "The International Brigades", Madrid, 1948.

Diplomatic Information Office of Spain, "The Protestant Church in Spain", Madrid, 1950.

Guldescu, S., Education in Spain Today, Washington, D.C., Spanish Embassy, Office of Cultural Relations, October, 1947.

Spanish Embassy, Office of Cultural Relations, "Spain and the Sephardi Jews", Washington, D.C., 1949.

Spanish Embassy, Office of Cultural Relations, "The Referendum of 1948", Washington, D.C., 1948.

Spanish Embassy, Office of Cultural Relations, "Wheels Within Wheels (How Russia uses the United Nations against Spain)", Washington, D.C., 1948.

By far the most interesting material examined or used in the thesis, the material received from the Spanish government was pure propaganda. It was valuable in determining the effect of the international "ostracism" employed by the United Nations on the Franco government. Aguilar's Law of Nations is to the Falange what Rosenberg's Myth of the Twentieth Century was to the Nazis. It attempts to justify the existence of the Franco regime by combining the Justinian definition of sovereignty with the writings of Thomas Aquinas. Wheels Within Wheels reveals the intense hatred felt by the Franco government for the Soviet Union. It is an attempt to answer the charges of the Allies and of the United Nations based on the anti-red theme, and is much more forceful now than when it was published. Some of the material was helpful in constructing a picture of the organization of the Franco regime, such as the "Laws of Succession," the "Labor Charter," and the "Spanish Referendum." The Franco regime has been fairly decent to the Jews in Spain and attempts to camouflage its undemocratic institutions by capitalizing on this treatment, hence the publication of "Spain and the Jews" and "Spain and the Sephardi Jews."

B. United States Government Publications

Congressional Record, January 24, 1950, Washington, D.C., United States Government Printing Office, 1950.

Department of State Press Release Number 151 of 1946, "Tri-Partite Declaration of March 4, 1946," Washington, D.C., United States Government Printing Office, 1946.

Department of State Press Release Number 243 of 1946, "Atomic Research in Spain," Washington, D.C., United States Government Printing Office, 1946.

Department of State Press Release Number 349 of 1949, "United States Policy toward Spain," Washington, D.C., United States Government Printing Office, 1949.

Department of State Press Release Number 360 of 1949, "United States Policy toward Spain," Washington, D.C., United States Government Printing Office, 1949.

Department of State Press Release Number 54 of 1950, "United States Policy toward Spain," Washington, D.C., United States Government Printing Office, 1950.

Treaties and other International Acts, Series 1680, 1681, and 1773, "The Existing Agreements with Spain," Washington, D.C., United States Government Printing Office, 1950.

United States Department of State Bulletin, 1936-1950, Washington, D.C., United States Government Printing Office, 1936-1950, 1951.

The publications were valuable only because they revealed the official attitude of the United States toward Spain. The publications tended to omit reference to the real issues of the Spanish question and left out the real attitude of the United States. This comment excludes the International Treaty Series which presented adequate proof of the United States-Spanish relationship.

C. United Nations Publications

Annual Report of the Secretary-General on the Work of the Organization, Lake Success, New York, United Nations Information Service, 1947, 1948, 1949.

Documents of the United Nations Conference on International Organization, San Francisco, 1945, Volumes I-XV, London and New York, United Nations Information Organization, 1945.

United Nations Bulletin, 1947-1950, Lake Success, New York, United Nations Information Organization, 1947-1950.

United Nations Official Records of the General Assembly, Plenary Meetings, 1st Part 1st Session, January 10-February 14, 1946, Lake Success, New York, United Nations Information Organization, 1946.

United Nations Official Records of the General Assembly, Summary Records, 1st Part 1st Session, Committees, January-February, 1946, Lake Success, New York, United Nations Information Organization, 1946.

United Nations Official Records of the General Assembly, Plenary Meetings, 2nd Part 1st Session, October 23-December 16, 1946, Lake Success, New York, United Nations Information Organization, 1946.

United Nations Official Records of the General Assembly, 2nd Part 1st Session, 1st-3rd Committees, October-December, 1946, Lake Success, New York, United Nations Information Organization, 1946.

United Nations Official Records of the General Assembly, Plenary Meetings, 2nd Session, September 16-November 15, 1947, Lake Success, New York, United Nations Information Organization, 1947.

United Nations Official Records of the General Assembly, 1st Committee, September 16-November 19, 1947, Lake Success, New York, United Nations Information Organization, 1947.

United Nations Official Records of the General Assembly, Plenary Meetings, 1st Part 3rd Session, September 21-December 12, 1948, Lake Success, New York, United Nations Information Organization, 1948.

United Nations Official Records of the General Assembly, Plenary Meetings, April 5-May 13, 1949, Lake Success, New York, United Nations Information Organization, 1949.

United Nations Official Records of the General Assembly, Plenary Meetings, September-December, 1949, Lake Success, New York, United Nations Information Organization, 1949.

United Nations Official Records of the General Assembly, 4th Session, 1st-3rd Committees, September-December, 1949, Lake Success, New York, United Nations Information Organization, 1949.

United Nations Official Records of the Security Council, 1st Year, 2nd Session, March-July, 1946, Lake Success, New York, United Nations Information Organization, 1946.

United Nations Official Records of the Security Council, 1st Year, 2nd Series, July-December, 1946, Lake Success, New York, United Nations Information Organization, 1947.

United Nations Official Records of the Security Council, 2nd Year, 1st Series, January-February, 1947, Lake Success, New York, United Nations Information Organization, 1947.

United Nations Official Records of the Security Council, 1st Year, 2nd Series, Special Supplement (Report of the Special Sub-Committee on the Spanish Question) 1946, Lake Success, New York, United Nations Information Organization, 1946.

Yearbook of the United Nations, 1947, 1948, 1949, Lake Success, New York, United Nations Information Organization, 1947, 1948, 1949.

This paper could not have been written without the documents published by the United Nations. They were extremely hard to follow, but nevertheless these publications were by far the most important sources used. The Yearbooks of the United Nations provided a valuable index to the problem.

D. Narratives

Hayes, Carlton J.H., Wartime Mission to Spain, New York, Macmillan Company, 1947.

Hoare, Samuel, Complacent Dictator, New York, A.A. Knopf, 1947.

These two books, written by the wartime ambassadors of the United States and Great Britain to Spain, give a fairly complete picture of the Franco regime during the war and of the official allied policy toward the Spanish government. Despite its obvious bias toward the Franco regime, Wartime Mission to Spain by Hayes points out the division in the State Department over the Spanish question. Complacent Dictator by Sir Samuel Hoare was written partly from memory after the author's return to England and is not as clear as the book by Hayes.

II. Books

Annals of the American Academy of Political Science, 1938, New York, 1938.

Barea, Arturo, Forging of a Rebel, New York, Reynal and Hitchcock, 1940.

Brandt, Joseph, Toward the New Spain, Chicago, University of Chicago Press, 1932.

Brennan, Gerald, Spanish Labyrinth, New York, Macmillan Company, 1938.

Davis, Francis, My Shadow in the Sun, New York, Corrick and Evans, 1938.

Feis, Herbert, The Spanish Story: Franco and the Nations at War, New York, A.A. Knopf, 1948.

Gannes, Harry, Spain in Revolt, New York, A.A. Knopf, 1936.

Garrett, H.T., Gibraltar and the Mediterranean, New York, Coward-McCann, Inc., 1939.

Hudson, Manley O., International Legislation, Vol. VII, (1935-1937), Vol. VIII, (1938-1941), Vol IX, (1942-1945), Washington, Carnegie Endowment for International Peace.

Hughes, Emmet J., Report from Spain, New York, H. Holt, 1947.

Koestler, Arthur, Dialogue with Death, New York, Macmillan Company, 1942.

Manuel, Frank E., Politics of Modern Spain, New York, McGraw-Hill Company, 1938.

Namier, L.B., Europe in Decay, 1936-1949, New York, Macmillan Company Lit., 1950.

Padelford, N.J., International Law and Diplomacy During the Spanish Civil Strife, New York, Macmillan Company, 1939.

Palineice, Isabel, Smouldering Freedom, New York, Longmans, Green and Company, 1940.

Regoy, Gustav, The Great Crusade, New York, Longmans, Green and Company, 1940.

Relfe, Edmund, The Lincoln Battalion, New York, Random House, 1939.

Schuman, Fredrick L., International Politics, New York, McGraw-Hill, 1933.

Shean, N.C., Not Peace But a Sword, New York, Doubleday-Doran Company, 1939.

The books were consulted only for background material. Brennan's The Spanish Labyrinth gives a good account of the political background for the civil war of 1936. The Spanish Story by Herbert Feis, a former member of the State Department, is an excellent source of information on American-Spanish relations during the war, far superior to Hayes' Wartime Mission to Spain. Feis, a renowned economist, explains how the United States forced Franco to remain neutral through the "pinch of the oil flow" and how the United States attempted to outbid Germany on the Spanish market, much to Franco's advantage. The strategic importance of the Iberian Peninsula is well described in the Mediterranean and Gibraltar by H.T. Garrett. The best collection of documents was compiled by Manley Hudson, and this collection was invaluable in examining the League of Nations discussion of the Spanish question.

III. Periodical Articles

Current History, November, 1937, 43, Philadelphia, Events Publishing Company.

Living Age, June, 1937, 329, Concord, Living Age Corporation.

Literary Digest, January 23, 1937, 56, New York, Funk and Wagnalls.

The Nation, "Agenda for Berlin," July 14, 1945, 24:
 "Potsdam Conference," August 11, 1945, 120:
 "Proposal on Spain," April 19, 1946, 428:
 New York, The Nation Associates Inc.

Time, "White Book," June 7, 1937, 24:
 "Squeeze on Franco," September 3, 1945, 26:
 New York, Time Inc.

Articles in periodicals were especially helpful in investigating such events as the Potsdam Conference, the Tangier Conference, and the Nyon Conference. In fact, they are the only sources that give a detailed account of these Conferences. The Nation was valuable in determining liberal opinion in the United States on the Spanish question.

IV. Newspapers

New York Times, 1942-1951.

The New York Times, the only newspaper used, was valuable as an index and a guide. At times, it was the only publication which gave a complete description of the events of the United Nations. In one way, The Times was more complete than the United Nations documents, because the Times gave an account of how the members voted, which the United Nations documents did not always do.

APPENDIX

Afifi Pasha, Hafiz.

Born in 1886; Minister of Foreign Affairs 28-29; Minister to Great Britain from Egypt 30-34; President of Egyptian Economic Mission to Great Britain 35; Ambassador to Great Britain 36-38; Egyptian delegate to United Nations Security Council 46.

Acheson, Dean.

Born 11 April 1893; educated at Groton; Yale (A.B. 1916); Harvard Law School (LL.B. 1918). Private Secretary to Associate Justice Brandeis 29-31; with law firm of Covington, Burling and Rublee 21-33; Under-Secretary of the Treasury May-November 1933; Assistant Secretary of State 41-45; Under-Secretary of State 45-47; United States Secretary of State since 1949.

Arbelaez.

No information available.

Atherton, Ray.

Born in Brookline, Mass., United States of America, 1885. Educated at Harvard College. Counsellor to United States Embassy, London 1927; United States Minister to Bulgaria 37; United States Minister to Denmark 39; Chief, Division of European Affairs, Department of State 1940; United States Ambassador to Canada 43-48; Alternate United States representative to the United States General Assembly since 1948.

Belaunde.

No information available.

Bidault, Georges.

Born in 1899. Before the war was a Professor of History and edited L'Aube the journal of the Christian Democrats; served in army and was taken prisoner; freed after eighteen months; became chairman of the French Resistance Council inside France; Minister of Foreign Affairs in Provisional Government 44-45; Prime Minister and Foreign Minister of France 46; United Nations Security Council delegate since 1946; delegate to Council of Europe 49.

Cadogan, Sir Alexander George Montague.

Born 25 November 1884 in England. Educated at Eton and Oxford. Envoy Extraordinary and Minister Plenipotentiary at Peking 33-35; Ambassador 35-36; Deputy Under-Secretary of State for Foreign Affairs 36-37; Under-Secretary for Foreign Affairs 38-46; Permanent British representative to the United Nations since 46.

Castro, Hector David.

Born in 1894 in San Salvador. Educated at National University of El Salvador; Doctor of Law and Political Science. District Attorney and later Judge of San Salvador 17-19; Under-Secretary of Finance 19; Consul to Liverpool 20; Secretary of Legation in Washington 20-23; Minister for Foreign Affairs 31; Ambassador to the United States 43-44; permanent representative of El Salvador to the United Nations since 1946.

Connally, Thomas Terry.

Born in McClennan County, Texas, 19 August, 1877. Educated at Baylor; University of Texas Law School. Admitted to Bar 98; Senator since 29; United States delegate to many Assemblies and Conferences; member of many committees in Congress.

Despradel, Arturo.

Born in 1900 at Puerto Plata. Educated at the University of Santo Domingo. Civil Governor of Province of Puerto Plata 30; First Secretary of Dominican legation in Mexico 35-36; Chief of Protocol 36; Minister to Haiti 37; Secretary of Foreign Relations 37-44; Ambassador to Brazil; 45-46; permanent representative of the Dominican Republic to the United Nations since 46.

Evatt, Herbert Vere.

Born 30 April, 1894 in Australia. Educated at the University of Medal; was a member of the War Cabinet 41-46; the Australian delegate to the San Francisco Conference 46; a member of fifteen special commissions in the United Nations; Chairman of the United Nations Commission on Palestine; Prime Minister of Australia since 1946.

Fournier, Ricardo.

Born in 1891 at San Jose, Costa Rica. Educated at the National University. Minister of Public Education 30-31; Legal advisor in Foreign Office 42; Under-Secretary of Foreign Affairs since 42; permanent delegate to the United Nations from Costa Rica since 1948.

Gromyko, Andreis A.

Born in 1909. Educated at Institute of Economics and the Moscow Post-Graduate School. Chief of American Affairs, Foreign Office and Counselor to Embassy 39-43; Ambassador to United States 43-46; Deputy Minister of Foreign Affairs 46; permanent representative of the Soviet Union to the United Nations since 1946.

Hodgeson, Lieut.-Col. William Roy.

Born 22 May, 1898, in Victoria. Educated at School of Mines in Victoria. Was on General Staff, specializing in Foreign Affairs 1933; Secretary of Australian Department of External Affairs 35; Member of nine special commissions in the United Nations; permanent representative of Australia to the United Nations since 1946.

Hoffmeister.

No available information.

Johnson, Hershel.

Born 3 May 1894. Educated at University of North Carolina; Harvard Law School. Lieut. and Capt. of infantry of United States Army 17-19; entered the Foreign Service and advanced through grade to ambassador 46; United States representative on the Security Council of the United Nations 46-48; Ambassador to Brazil since 1946.

Jouhaux, Leon.

Born in 1879 in Paris. Secretary of C.G.T. 09; the representative of France to the League of Nations 24-39; the representative of France to the United Nations 47.

Katz-Suchy, Julius.

Born in 1912 in Poland. Educated at the University of Cracow and at Warsaw. Deputy Chief of London Press Bureau 44-45; Press Attaché in London 45; Acting Chief of British Division 46; permanent representative of Poland to the United Nations since 1946.

Kaufman, H.L.

Born in 1888. Entered the Diplomatic Service in 1911; Secretary to New York Consulate 13-15; Berlin Legation 16; Chief of Section, Ministry of Foreign Affairs 20. Minister to Italy 21-24; Minister to China and Japan 24-32; Minister to Siam 28-30; to Norway 32-39; Minister to the United States since 1939; permanent representative of Denmark to the United Nations since 1946.

Kislev, Kuzma Venedictovich.

Born in 1903 at Oblast. Educated at Voronezh State University. Practiced medicine for many years; Peoples Commissar for Foreign Affairs since 1946; permanent representative of the Byelorussian Soviet Socialist Republic to the United Nations since 1946.

Khan, Sir Mohammed Zafrulla.

Born in 1893 in Pakistan. Educated at the Government College in Lahore. Member of Punjab legislative council 26-38; Member of Governor-General's Council in charge of Portfolio 38-41; chairman of Indian delegation to the League of Nations Assembly 39; Judge of Federal Court 41-47; Agent-General for India in China 42; Minister for Foreign Affairs of Pakistan 47; permanent representative of Pakistan to the United Nations since 1948.

Kleffens, Elco Nicolaas Van.

Born 17 November 1894 in Heerenveen (Netherlands). Educated at the University of Leyden. Member of the League of Nations Secretariat 19-21; Deputy-Chief of the Legal Section, Netherlands Ministry of Foreign Affairs 23-27; Chief of Diplomatic Section 29-39; Netherlands representative to the League of Nations 39; Minister of Foreign Affairs 39-46; Netherlands representative on the Security Council 46-47; Ambassador to the United States since 1947.

Lance, Oscar.

Born in 1904 in Poland. Educated at the University of Poznan; University of Cracow; University of Minnesota; Harvard University. Lectured at University of Michigan 36; at Stanford, California, Chicago and Columbia 36-43; Ambassador of Poland to the United States 45-47; Polish representative to the United Nations since 1946.

Lie, Trygve Halvdan.

Born 16 July, 1896 at Oslo, Norway. Educated at Oslo University. Minister of Justice 35-39; member of the Norwegian Parliament 35-46; Minister of Trade 39-40; Foreign Minister 41; elected Secretary-General of the United Nations in 1946.

Lopez, Alfonso.

Born in 1886 at Honda. Educated in the United Kingdom and the United States. President of Colombia 34-38, 42-46; representative to the London Economic Conference 33; permanent representative of Colombia to the United Nations since 1947.

Manuilevsky, Dimitri Zakhoevich.

Born in 1883 in Russia. Educated at the University of St. Petersburg. Exiled to Kiev 06, escaped 07; member of the Committee of Revolution 20-21; Commissar of Foreign Affairs and Deputy Chairman of the Council of Peoples Commissars of the Ukrainian Soviet Socialist Republic; representative of the Ukrainian Soviet Union to the United Nations since 1946.

Masaryk, Jan.

Born in 1886 in Prague. Educated in Prague. Was the Chargé d'Affaires in Washington; served in the Department of Foreign Affairs 20-27; Minister to Great Britain 28-38; Vice-Premier 41-45; representative of Czechoslovakia to the United Nations 1947. Died March 10, 1948.

Mora, Jose.

Born in 1887. Educated at the University of Montevideo. First Secretary of Legation in Spain and Portugal 26; in Rio de Janeiro 28; in the United States 29-30; Minister of Foreign Affairs 33; representative of Uruguay to the United Nations since 1946.

Muniz, Jacobo Carlos.

Born in 1893 at Matto Grosso. Educated at the University of Rio de Janeiro and New York University. Consul in Chicago 26; Minister to Cuba 44-45; Ambassador to Ecuador 42-45; representative of Brazil to the United Nations in 1947.

Najera, Francisco Castillo.

Born in 1886 in Durango. Educated at the State College of Durango, University of Mexico, New York University, Paris and Berlin. Director of Juarez Hospital 18-19; Director of Army Medical School 20; Minister to China, Belgium, Holland, and France 27-34; Ambassador to the United States 34-45; Foreign Minister 45-46; representative of Mexico to the United Nations in 1946.

Pandit, Mrs. Vyoria Lakshmi.

Born in 1900 in India. Educated by private instruction. President of All-India Womens Conference 41-43; Ambassador to the Soviet Union from India 47-; Chairman of the Indian delegation to the United Nations since 1946.

Parodi, Alexandre.

Born in 1901 in Paris. Educated at the University of Paris. Director-General of Ministry of Labor 38-40; Ambassador of France to Italy 45; permanent representative of France to the United Nations since 1946.

Quintilla, Luis.

Born in 1900 in Paris. Educated at John Hopkins. First Secretary of Legation in Paris 31-36; Secretary of Mexican delegation to the League of Nations 32; Counselor, Mexican Embassy in Washington 36-39; Ambassador to the Soviet Union 42-45; Ambassador to Colombia 45-46; permanent representative of Mexico to the United Nations since 1946.

Rio, Nieto del.

No available information.

Rolien, J.H. Van.

Born in 1906 in Turkey. Educated at the University of Utrecht. Attaché to Legation at Washington 30-32; Secretary of Legation in Tokyo 36; Minister for Foreign Affairs 46; Ambassador to Canada 47; representative of The Netherlands to the United Nations 47-48.

Saeng.

No available information.

Salper, Selim.

Born in 1899 in Turkey. Educated at the University of Ankara. Minister of Foreign Affairs 27; Ambassador to the Soviet Union 44-46; Ambassador to Italy 46-47; the permanent representative of Turkey to the United Nations since 1947.

Shih-Chieh, Wang.

Born 1891 in Chung Yang District. Educated at the University of London and Paris. Minister of Education 33-37; Minister of Information 44-45; Minister of Education 46; representative of China to the United Nations in 1947.

Spaak, Paul-Henrie.

Born in 1899 Minister for Foreign Affairs 36-38; Prime Minister 38-39; Minister for Foreign Affairs 47-49; since 1949 he has been President of the Council of Europe; the permanent representative of Belgium to the United Nations since 1946.

Stolk, Carlos Eduardo.

Born in 1912 at Caracas. Educated at the University of Venezuela. Representative on Inter-American Neutrality Committee 41-42; representative on the Inter-American Legal Committee 42-45; representative on Inter-American Committee on Problems of War 45; permanent representative to the United Nations from Venezuela since 1946.

Tarasenko, Vasili A.

Born in 1907 near Chevnigov. Educated at the University of Dniepropetrovsk and Kiev. Served in the Army 41-43; Counselor to Soviet Embassy in Washington 46-48; the permanent representative of the Ukrainian Soviet Socialist Republic to the United Nations since 1947.

Thors, Thor.

Born 1903 at Reykjavick. Educated at Cambridge. Counselor to legation in New York 40-41, Minister to United States from Iceland 41-; permanent representative of Iceland to the United Nations since 1946.

Velloso.

No available information.

Zuloaga, Pedro.

Born in 1898 at Caracas. Educated at the University of Venezuela, Harvard, Paris Law School; Secretary-General of Venezuela's World Exposition Section 37; representative of Venezuela to the United Nations since 1947.